

VILLAGE OF LAWTON
ZONING ORDINANCE REVISIONS

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Amended October 2016

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ARTICLE I

SHORT TITLE AND PURPOSE

- 1.0.1 This Ordinance shall be known as the Village of Lawton Zoning Ordinance.
- 1.0.2 The purpose of this Ordinance is to:
1. Provide for the orderly development of the Village while minimizing the impacts of incompatible land uses and preventing nuisances from interfering with the reasonable use and enjoyment of private property. In all cases, it is the purpose of this Ordinance to regulate the use of private property so that it does not adversely impact the broader public interest.
 2. Insure the public health, safety, and welfare;
 3. Promote the use of lands and natural resources of the Village in accordance with their character and adaptability and, in turn, limit their improper use;
 4. Reduce hazards to life and property;
 5. Lessen congestion on the public roads and streets;
 6. Provide, in the interest of public health and safety, the minimum standards under which certain buildings and structures may be hereafter erected and used;
 7. Facilitate the development of an adequate system of transportation, recreation, sewage disposal, safe and adequate water supply and other public requirements;
 8. Conserve life. Property and natural resources and the expenditure of public improvements and service to conform with the most advantageous uses of land, resources, and properties.
- 1.0.3 Authority: This Ordinance is ordained and enacted into law in accordance with the Michigan Zoning Enabling Act. Act 110 of Public Acts of 2006.
- 1.0.4 Validity: This Ordinance and various parts, sections, subsections, sentences, phrases, and clauses are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged to be unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected and shall remain in force. The Village Council hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

1.0.5 Limitation of Zoning Ordinance: The provisions of this Ordinance shall not impact the continued use of any building, dwelling or structure of any land or premises which was lawful and existing prior to the adoption of this Ordinance.

ARTICLE II
ZONING DEFINITIONS

SECTION 2.0 INTERPRETATION OF LANGUAGE

For the purpose of this Ordinance, the following rules of interpretation shall apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive and discretionary.
- D. Words used in the present tense shall include the future. Words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" includes "arranged for", "designed for" "intended for", "maintained for", or "occupied for".
- G. The word "person" includes an individual, a corporation, a partnership, a public utility, firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, or a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either . . . or", the conjunction shall be interpreted as follows:
 - 1. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - 2. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
 - 3. "Either . . . or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
- I. Terms not herein defined shall have the meaning customarily assigned to them.

SECTION 2.1 DEFINITIONS

For the purpose of this Ordinance the terms and words herein are defined as follows:

2.1.1 ACCESSORY USE, BUILDING OR STRUCTURE: A use, building, or structure which is clearly incidental to, customarily found in connection with, subordinate to, and is located on the same zoning lot as the principal use to which it is exclusive.

2.1.2 ADJACENT: See LOT, ADJACENT.

2.1.3 ADULT DAY CARE FACILITY: A facility which provides daytime care for any part of a day but less than twenty-four (24) hour care for functionally impaired elderly persons provided through a structured program of social and rehabilitative or maintenance services in a supportive group setting other than the client's home. Such facilities are not licensed; however those receiving funds through an Area Agency on Aging must comply with adult day care standards promulgated by the Michigan Office of Services to the Aging.

2.1.4 ADULT USE: Any commercial or recreational establishment which at all times excludes minors by virtue of age, including adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult drive-in theaters, adult massage parlors, adult modeling studios, and eating and drinking places with sexually-oriented entertainment.

2.1.5 AGRICULTURAL USE: A use of any land, building, or structure used for a purpose of producing grain, fruit, nursery stock, dairy products, vegetables, livestock or fowl or other crops and animal husbandry.

2.1.6 ALTERATIONS: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as wall, partitions, stairways, columns, beams, girders; any change in the width or number of exits; any substantial changes in the roof or exterior walls; any change in the location of a building; any change in the number of off-street parking or loading area or means of egress and ingress to the site; or any change which may be referred to herein as "altered" or "reconstructed" or "change of use".

2.1.7 ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles, and other similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers

2.1.8 ANIMAL, WILD OR EXOTIC: Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild or exotic animals shall include, but shall not be limited to the following: alligator and crocodile (family), deer (family), opossum (family); badger, wild dog or wolf (family); primate excluding human (family); bear, raccoon, ferret, skunk, wild cat (family); lemur, spider (poisonous); coyote; lizard; snake and other reptile (poisonous); weasel (family); wild boar or swine (family); and marten. (See Section 91.01 of the

Code of Ordinances for further definition of “animals”.)

2.1.9 ANTENNA: Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiate or capture electromagnetic waves, digital, signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

2.1.10 APARTMENT: See DWELLING, MULTIPLE FAMILY.

2.1.11 APPEAL: An entreaty or demand for a hearing or review of facts and/or actions in connection with the public enforcement of this Ordinance.

2.1.12 ARCHITECTURAL FEATURES: Architectural features of a building including cornices, eaves, gutters, sills, lintels, bay windows, chimneys and decorative ornaments.

2.1.13 AREA, GROSS SITE: The total area of a planned unit development site including flood plains and water bodies.

2.1.14 ASSISTED LIVING: The provision of independent residential care in either a free standing facility or part of a nursing home wherein seniors are given help with daily living and medications.

2.1.15 AUTOMOBILE: Unless specifically indicated otherwise, "automobile" shall mean any vehicle including cars, trucks, vans, motorcycles, and the like.

2.1.16 AUTOMOBILE FUELING STATION: A place used for the retail sale and dispensing of fuel or lubricants, either full or self service, together with the fixed equipment from which the fuel is dispensed directly into motor vehicles. Automobile filling stations may also incorporate a convenience store operation as an accessory use, provided it is clearly incidental to the filling station use. Parking requirements for filling station/convenience store operations shall be computed by adding together the parking space requirements for each separate use.

2.1.17 AUTOMOBILE REPAIR: Major or minor repair of automobiles defined as follows:

- A. Minor Repair: Engine tune-ups and servicing of brakes, air conditioning, exhaust systems; oil change or lubrication; wheel alignment or balancing; or similar servicing or repairs that do not normally require any significant disassembly or storing the automobiles on the premises overnight.
- B. Major Repair: Engine and transmission rebuilding and general repairs, rebuilding or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rustproofing; and similar servicing, rebuilding or repairs that normally do require significant disassembly or storing the automobiles on the premises overnight.

2.1.18 AUTOMOBILE REPAIR GARAGE: A premise primarily used for general automobile repair wholly within enclosed buildings, including engine or transmission building; rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair, overall vehicle painting or rustproofing; and other related activities.

2.1.19 AUTOMOBILE SERVICE STATION: A building or structure designed or used for the retail sale of fuel (stored only in underground tanks), lubricants, air, water coolants and other operating commodities for motor vehicles or which may include retail sale of tires, batteries, and similar accessories and the making of minor repairs to vehicles or parts thereof totally enclosed within a building and that do not normally require storing such vehicles on the premises overnight. Automotive Service Station shall not including bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, high-volume of motor vehicle washing or sales of new or used cars, trucks, motorcycles or other land vehicles.

2.1.20 AUTOMOBILE WASH ESTABLISHMENT: An activity or building, or portion thereof, the primary purpose of which is that of washing motor vehicles, either with self-service mechanisms or with the use of an automated conveyor system.

2.1.21 BANK: An establishment for the custody, loan, exchange, or issue of money, for the extension of credit, and for facilitating the transmission of funds by drafts or bills of exchange.

2.1.22 BASEMENT: That portion of a building wholly or partly below grade, but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the average grade to the basement ceiling. A basement shall not be included as a story for height measurement.

2.1.23 BED-N-BREAKFAST INN: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation by the owners and residents therein, said facilities may include meal service.

2.1.24 BEDROOM: Any private room in a dwelling unit suitable for regular use for sleeping purposes. Bedrooms include rooms designated on development floor plans as dens, studies, or libraries but exclude living rooms, family rooms, dining rooms, kitchens, bathrooms, laundry rooms, and mud rooms. Any room designated as other than a bedroom but which in the judgment of the Village Planning Commission would normally be usable for sleeping purposes shall be considered a bedroom.

2.1.25 BERM: A mound of earth used to shield, screen, and buffer undesirable views and separate incompatible land uses.

2.1.26 BIKEWAY: Pedestrian or non-motorized vehicular circulation routes built according to the standards of the Village or other agency with right-of-way jurisdiction, as applicable.

2.1.27 BILLBOARD (OFF PREMISE SIGN): Any non-accessory advertising sign, device, design, words, letters, number or trademark which makes anything known to the general public

and may be the principal use of the lot or parcel on which it is located.

2.1.28 BLOCK: The property bounded by a street or by a combination of streets and public lands, rights-of-way, rivers or streams, boundary lines of the Village, or any other barrier to the continuity of development.

2.1.29 BOAT: Boats, floats, rafts, and the attached normal equipment to transport the same on highways.

2.1.30 BUFFER ZONE: A strip of land often required between certain zoning districts or land uses reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

2.1.31 BUILDABLE AREA: The area of a lot which is defined by the minimum setback requirements within which building construction is permitted by the terms of this Ordinance.

2.1.32 BUILDING: Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall include tents, awnings, and carports; and also semi-trailers, vehicles, mobile homes, or pre-manufactured or pre-cut structures, erected on-site, above or below ground, designed primarily for shelter rather than as a means of conveyance. A building shall not include such structures as signs, fences or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, oil cracking towers, or similar structures.

2.1.33 BUILDING, ACCESSORY: See ACCESSORY USE, BUILDING, OR STRUCTURE.

2.1.34 BUILDING, COMPLETELY ENCLOSED: A building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and exterior walls having only window and normal entrance or exit doors.

2.1.35 BUILDING, DETACHED: A principal building surrounded by open space.

2.1.36 BUILDING HEIGHT: The vertical distance measured from the mean average ground level at the front building line to the highest point of the roof surface in the case of a flat roof; to the deck line of mansard roofs; to the mean height level between the eaves and ridge of gable, studio hip and gambrel roofs; and 75 percent of the height of an "A" frame. Chimneys, spires, antenna, and similar projections other than signs shall not be included in calculating building height.

2.1.37 BUILDING LINE: A line parallel to the front lot line that separates all parts of a building from the open spaces adjacent thereto on the same lot. For the purposes of this Ordinance, a minimum building line is the same as a required setback line.

2.1.38 BUILDING PERMIT: The written authority issued by the building inspector permitting the construction, removal, moving, alteration, demolition, or use of a building in conformity with

the provision of this Ordinance

2.1.39 BUILDING, PRINCIPAL: A building or group of buildings in which is conducted the main or principal use of the lot on which the building is situated. (See "BUILDING, ACCESSORY" and "USE, PRINCIPAL".)

2.1.40 BUILDING, TEMPORARY: A building which is not permanently affixed to the property, and is permitted to exist for a specific reason for a specific period of time. An example of a temporary building is a trailer used on construction site.

2.1.41 BUMPER BLOCKS: Concrete or cement cast units located at one end of each parking space, designed to protect buildings, walls, fences, sidewalks or landscaping from damage by vehicles.

2.1.42 CAMPER, PICK-UP: A recreational unit designed to be mounted on a pick-up or truck chassis, with sufficient equipment to render it suitable for use as a temporary lodging for travel, recreational, and vacation uses.

2.1.43 CARETAKER LIVING QUARTERS: An independent residential dwelling unit designed for and occupied by one or two persons, of which at least one is employed to look after goods, buildings, or property on the parcel on which the living quarters are located.

2.1.44 CERTIFICATE OF OCCUPANCY: A certificate issued by the building inspector, after final inspections, indicating his or her opinion that all the provisions of this Ordinance are being complied with and met. No building or structure or use for which a building permit has been issued shall be occupied until the building inspector has, after final inspection, issued a Certificate of Occupancy (CO). The issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this Ordinance

2.1.45 CEMETERY: Land used for the burial of the dead including columbariums, crematories, and mausoleums.

2.1.46 CHURCH, MOSQUE, OR SYNAGOGUES: Any structure wherein persons regularly assemble for religious activity including customary ancillary or accessory uses and activities.

2.1.47 CLINIC, VETERINARY: A place for the care, diagnosis, and treatment of sick or injured animals, and those in need of medical or minor surgical attention. A veterinary clinic may include customary pens or cages enclosed within the walls of the clinic building.

2.1.48 CLINIC, MEDICAL: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professionals. A medical clinic may incorporate customary laboratories and pharmacies incidental to or necessary for its operation or to the service of its patients, but may not include facilities for overnight patient care or major surgery.

2.1.49 CLUB, HEALTH: Any establishment providing physical culture or health services, including health clubs, racquetball or tennis clubs, reducing salons, or tanning salons.

2.1.50 CLUB OR LODGE, PRIVATE: A non-profit association of persons who are bonafide members paying dues which owns or leases premises, the use of which is restricted to members and their guests. The facilities owned or used by such organization may be referred to as a "club" or "lodge" in this Ordinance.

2.1.51 CLUSTER HOUSING: A group of buildings and especially dwellings built close together to form relatively compact units on a sizeable tract in order to preserve open spaces and environmentally sensitive areas larger than the individual yards for common recreation.

2.1.52 COMMERCIAL CENTER, PLANNED: A business development under single ownership consisting of two (2) or more retail or service outlets characterized by common architecture, a pedestrian and vehicle circulation system, and off-street parking.

2.1.53 COMMERCIAL, VEHICLE: A truck or motor vehicle with cab and chassis and with a stake rack body, dump body, wrecker body, tanker body or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches. Any truck or motor vehicle which has a commercial license plate and is designed to accommodate a body length in excess of 9 feet. Commercial vehicles shall not include motor homes or recreational vehicles, but shall include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, semi trucks, tractors and trailers.

2.1.54 CONDOMINIUM: A system of separate ownership of individual units and/or multiple unit projects according to Public Act 59 of 1978, as amended. In addition to the interest acquired in a particular unit, each unit owner is also a tenant in common in the underlying fee and in the spaces and building parts used in common by all the unit owners.

Condominium Act: State of Michigan Public Act 59 of 1978, as amended.

Condominium, Contractible: A condominium project from which any portion of the submitted land or building may be withdrawn in pursuant to express provisions in the condominium documents.

Condominium, Conversion: A condominium project containing condominium units some or all of which were occupied before the establishment of the condominium project.

Condominium - Convertible Area: A unit or portion of the common elements of the condominium project referred in the condominium documents within which additional condominium units or general or limited common elements may be created pursuant to provisions in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium, Expandable: A condominium project to which additional land may be

added pursuant to express provision in the condominium documents and in accordance with this Ordinance and the Condominium Act.

Condominium - General Common Element: The common elements other than the limited common elements intended for the common use of all of the co-owners.

Condominium - Limited Common Element: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

Condominium - Site Condominium Project: A condominium project designed to function in a similar manner, or as an alternative to a platted subdivision. A residential site condominium project shall be considered as equivalent to a platted subdivision for purposes of regulation in this Ordinance.

Condominium Subdivision Plan: Drawings and information which show the size, location, area, and boundaries of each condominium unit, building locations, the nature, location, and approximate size of common elements, and other information required by Section 66 of Public Act 59 of 1978, as amended.

Condominium Unit, Site (i.e., Site Condominium Lot): The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium site shall become a limited common element. The term “condominium unit site” shall be equivalent to the term “lot” for purposes of determining compliance of a site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, minimum lot coverage, and maximum floor area ratio.

2.1.55 CONDOMINIUM UNIT: The portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, time-share unit, or any other type of use.

2.1.56 CONVALESCENT HOME: See NURSING HOME.

2.1.57 CURB CUT: The entrance to or exit from a property provided for vehicular traffic to or from a public or private thoroughfare.

2.1.58 DAY CARE:

Day Care Center: A facility other than a private residence receiving more than six (6) pre-school, school age children, or elderly adults for group day care for periods of less than twenty-four (24) hours a day.

Day Care Home: A private residence in which not more than six (6) minor children are received for care and supervision for periods less than twenty-four (24) hours a day,

unattended by a parent or guardian.

2.1.59 DECK: An open, horizontal platform attached to the principal residential structure and that is used for outdoor leisure or recreational activities.

2.1.60 DENSITY: The number of dwelling units situated on or to be developed per net or gross acre of land.

2.1.61 DETENTION FACILITY: A facility designed for holding storm water runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle. A Retention Facility is a facility designed to hold storm water run-off permanently.

2.1.62 DEVELOPMENT: The construction of a new building or other structures on a zoning lot, the relocation of an existing building on another zoning lot, or the use of open land for a new use.

2.1.63 DEVELOPMENT PLAN: A scaled drawing which shows the existing conditions, the location and dimensions of improvements upon a parcel of land, including but not limited to, location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems, and drainage facilities, environmental features, and other elements required herein as applicable to the proposed development to ensure compliance with this Ordinance.

2.1.64 DISTRIBUTION CENTER: A use which typically involves both warehouse and office/administration functions, where short and/or long term storage takes place in connection with the distribution operations of a wholesale or retail supply business. See also WAREHOUSE.

2.1.65 DISTRICT: A portion of the Village of Lawton within which, on a uniform basis, certain uses of land and/or building are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

2.1.66 DRAINAGE WAYS AND STREAMS: Existing permanent or intermittent watercourses.

2.1.67 DRIVE-IN ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicles. Examples include but are not limited to, restaurants, cleaners, banks, and theaters.

2.1.68 DRIVE-THROUGH ESTABLISHMENT: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to service patrons from a window or booth while in their motor vehicles, rather than within a building or structure, so that consumption off-premises may be facilitated.

2.1.69 DRIVEWAY: An improved area of gravel, asphalt or concrete on a lot or parcel intended for access to a rear yard, side yard or an accessory building. Driveways in single and two family residentially zoned areas may be used for off-street parking of licensed vehicles. An area consisting of grass, soil, mulch or similar material shall not be considered a driveway.

2.1.70 DUMPSTER: A container used for the temporary storage of rubbish, pending collection, having a capacity of at least two (2) cubic yards.

2.1.71 DWELLING: A building or portion thereof, containing sleeping, kitchen, and bathroom facilities designed for and occupied by one family, excluding hotels, motels, and tourists homes. In no case shall a travel trailer, motor home, automobile, tent or other portable building defined as a recreational vehicle be considered a dwelling. In the case of mixed occupancy where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purposes of this Ordinance.

2.1.72 DWELLING, MANUFACTURED: A building or portion of a building designed for long-term residential use and characterized by all of the following:

- A. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended; and
- B. The structure is designed to be transported to the site in a nearly complete form, where it is placed on a foundation and connected to utilities; and
- C. The structure is designed to be used as either an independent building or as a module to be combined with other elements to form a complete building on a site.

2.1.73 DWELLING, MOBILE HOME: A structure, transportable in one (1) or more sections, which is built upon a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Recreational vehicles as described and regulated herein shall not be considered "mobile homes" for the purposes of this Ordinance. A mobile home is a type of manufactured housing.

2.1.74 DWELLING, MULTIPLE-FAMILY: A building designed for and occupied by three (3) or more families living independently with separate housekeeping, cooking, and bathroom facilities for each. Multiple-family dwellings units include the following:

- A. **Apartment:** An apartment is an attached dwelling unit with party walls, contained in a building with other apartment units which are commonly reached off of a common stair landing or walkway. Apartments are typically rented by the occupants. Apartment buildings often have a central heating system and other central utility connections and common yard space.
- B. **Efficiency Unit:** An efficiency unit is a type of multiple-family or apartment unit

consisting of one (1) principal room, plus bathroom and kitchen facilities, hallways, closets, and/or a dining alcove located directly off the principal room.

2.1.75 DWELLING, ONE-FAMILY OR SINGLE-FAMILY: A detached building containing not more than one dwelling unit designed for residential use, provided:

- A. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
- B. It has a minimum width across front, side and rear elevations of 24 feet and complies in all respects with the Building Code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Building Code, then and in that event, such federal or state standard or regulation shall apply; further provided that the provisions of this section shall not have the effect of making one family dwellings, which exist as of the effective date of this Ordinance, non-conforming.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the Building Code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for one- family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Manufactured Housing Commission and shall have a perimeter wall as required.
- D. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and towing mechanism removed. Additionally, no dwelling shall have any exposed undercarriage or chassis.
- E. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction equal to or of better quality than the principal dwelling, which storage area shall be equal to 10 percent of the square footage of the dwelling or 100 square feet, whichever shall be less.
- F. The dwelling is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof over-hang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains steps connected to said exterior door areas or to porches

connected to said door areas where a difference in elevation requires the same.

The compatibility of design and appearance shall be determined in the first instance by the Building Official upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of thirty (30) days from the receipt of notice of said Building Official's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of single family "dwelling" as well as the character, design and appearance of one or more residential dwellings to the extent of less than twenty (20) percent of the lots situated within said area; or, where said area is not so developed, by the character, design and appearance of one or more residential dwellings located outside of mobile home parks throughout the Village.

- G. The dwelling contains no additions or rooms or other areas which are not constructed with a quality of workmanship equal to the original structure, including permanent attachments to the principal structure and construction of foundations as required herein.
- H. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- I. The foregoing standard shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required.
- J. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable building code provisions and requirements.

2.1.76 DWELLING, TWO-FAMILY OR DUPLEX: A detached building, designed exclusively to be occupied by two (2) families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each.

2.1.77 DWELLING UNIT: One or more rooms, along with bathroom and kitchen facilities, designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.

2.1.78 DWELLING UNIT, SINGLE-FAMILY ATTACHED OR TOWNHOUSE: A townhouse is an attached single-family dwelling unit with party walls, designed as part of a series of three (3) or more dwellings, with its own front door which opens to the outdoors at

ground level, and typically with its own basement utility connections, and front and rear yards. Townhouses are also commonly known as row houses.

2.1.79 EASEMENT: Any private or dedicated public way that provides a means of access to property. The term "easement" may also refer to utility easements which give public or private utility companies the right to use land for the construction and maintenance of utilities.

2.1.80 ERECTED: The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.

2.1.81 ESSENTIAL SERVICES: The term "essential services" shall mean the erection, construction, alteration or maintenance by public or quasi-public utilities or municipal departments or Village certified cable television companies of underground, surface or overhead gas, steam, electrical, fuel or water systems for the purposes of transmission, distribution, collection, communication, supply, or disposal; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar equipment, which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, and welfare of the public. Essential services shall not include storage yards, sales or business offices, or commercial buildings or activities. Telecommunication towers or facilities, alternative tower structures, and wireless communication facilities antenna are specifically excluded from this definition.

2.1.82 EXCAVATION: The removal of sand, stone, gravel, or fill dirt below the average grade of the surrounding land and/or road grade, whichever shall be the highest, excluding common household gardening and ground care.

2.1.83 FAMILY:

- A. An individual or group of two (2) or more persons related by blood, marriage or adoption, together with foster children or servants of the principal occupants, with not more than one additional unrelated persons, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit; or
- B. A collective number of individuals living together in one dwelling unit, whose relationship is of a continuing, non-transient, domestic character, and who are cooking and living as a single, nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

2.1.84 FARM: All of the contiguous neighboring or associated land operated as a single unit for agricultural production by the owner-operator, manager, or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; also including

establishments operated as bonafide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries. For the purposes of this Ordinance, farms shall not include establishments for keeping or raising fur-bearing animals, riding or boarding stables, dog kennels, game fish hatcheries, stockyards, or gravel or sand pits, unless such establishments are combined with other bona fide farm operations listed above which are located on the same continuous tract of land.

No farms shall be operated for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a normal cycle or one (1) year.

A farm permitted by this Ordinance is not intended nor implied to permit trucking equipment and/or sales, contractor yards or any other activities other than those incidental to the bonafide farm.

2.1.85 FENCE: FENCE, WALL, HEDGES, AND PRIVACY SCREEN REGULATIONS

- a. Fence shall mean a structure erected for the purpose of separating properties or protecting or screening property within its perimeter. Chain link fences shall fall under this definition. Fences, including chain link, for the containment of pets shall conform to the accessory structure requirements of this Ordinance.
- b. Ornamental fence shall mean a fence designed in such a manner and of such material so as to decorate or enhance the appearance of the front, side or rear setback in residential areas in addition to separating properties or protecting properties. Chain link, mesh, woven, or welded wire fences are excluded under this definition. Ornamental fences shall also include hedges.

2.1.86 FILL, FILLING: The deposit or dumping of any matter onto or into the ground, except for common household gardening, farming, and general ground care.

2.1.87 FLOOR AREA: The area of a building defined as follows.

- A. Floor Area, Gross: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- B. Floor Area, Net: See FLOOR AREA, USABLE RESIDENTIAL and FLOOR AREA, USABLE NONRESIDENTIAL.
- C. Floor Area, Usable Residential: The gross floor area minus areas in unfinished basements or attics, attached garages, and enclosed or unenclosed porches.
- D. Floor Area, Usable Nonresidential: The sum of the horizontal areas of each floor, measured from the interior faces of the exterior walls, including all areas used for, intended to be used for, and accessible for the sale of merchandise, provision of services, or service to patrons, clients or customers. Floor area which issued for or

intended to be used for the storage or processing of merchandise, or for utilities shall be excluded from the computations of Usable Nonresidential Floor Area.

2.1.88 FOSTER CARE HOME: See STATE LICENSED RESIDENTIAL FACILITY.

2.1.89 FOSTER CHILD: A child unrelated to a family by blood or adoption with whom he or she lives for the purposes of care and/or education.

2.1.90 GARAGE, PRIVATE: An accessory building used or designed to be used primarily for the storage of motor vehicles, boats, or trailers owned and used by the occupants of the building to which it is accessory. A private garage may be either attached to or detached from the principal structure. Private garages shall not have public repair facilities.

2.1.91 GARBAGE: All wastes, animal, fish, fowl, or vegetable matter incidental to the preparation, use, and storage of food for human consumption, or spoiled food.

2.1.92: GARDEN APARTMENT: A residential structure having a height limit of two and one half (2½) stories and containing three (3) or more rooms, each room having its own cooking facilities and being used as a dwelling for one (1) family.

2.1.93 GARDEN CENTER: An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies, landscaping materials, and equipment.

2.1.94 GAS STATION: See AUTOMOBILE FILLING STATION and AUTOMOBILE SERVICE STATION.

2.1.95 GLARE: The effect produced by brightness or a source of illumination sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

2.1.96 GOLF COURSE OR COUNTRY CLUB: The premises upon which the game of golf is played, including clubhouses, parking lots, swimming pools, tennis courts, or other facilities or uses customarily incidental to a golf course or country club.

2.1.97 GOLF DRIVING RANGE: An area or parcel of land which includes golf tee areas and associated facilities, the purpose of which is to practice golf shots.

2.1.98 GRADE: A grade is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

2.1.99 GRADE, AVERAGE: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.

2.1.100 GRADE, FINISHED: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

2.1.101 GREENBELT: A planting strip at ten (10) feet in width which shall consist of deciduous or evergreen trees, shrubs or a mixture of all three which shall be planted and maintained in a healthy growing condition by the lessee or the property owner.

2.1.102 HAZARDOUS SUBSTANCES: Any chemical or other material which, by virtue of its inherent properties, has the potential to be injurious to the public health, safety, and welfare even in small quantities with the exception of farming operations. Uses and facilities which use, store or generate hazardous substances in qualities greater than two hundred (200) pounds per month, or twenty-five (25) gallons per month, shall be subject to site plan requirements. This shall not apply to agricultural operations.

2.1.103 HOME OCCUPATION: Any occupation conducted within a dwelling unit or accessory building and carried on by the inhabitants thereof. Home occupations may provide for one (1) full-time non-resident employee. Home occupations shall be clearly incidental and secondary to the use of the dwelling for living purposes, shall not change the character thereof, and shall not endanger the health, safety, and welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, involved in or resulting from such occupation, professions or hobby.

2.1.104 HOSPITAL: An institution which is licensed by the Michigan Department of Health to provide in-patient and out-patient medical and major surgical services for the sick and injured, and which may include such related facilities as laboratories, medical testing services, central service facilities, and staff offices.

2.1.105 HOTEL: A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms consisting of a minimum of one (1) bedroom and a bath, occupied for hire, in which access to at least fifty percent (50%) of the lodging units is through a common entrance, and in which provision is not made for cooking in the individual units. Hotels customarily provide services such as desk service, maid service, laundering of linens, etc.

2.1.106 HOUSING, ELDERLY: An institution other than a hospital or hotel, which provides room and board to non-transient persons primarily sixty (60) years of age and older. Housing for the elderly may include:

- A. Senior Apartments: Multiple-family dwelling units occupied by persons fifty-five (55) years of age or older.
- B. Elderly Housing Complex: A building or group of buildings containing dwellings where the occupancy is restricted to persons sixty (60) years or older or couples where either the husband or wife is sixty (60) years of age or older.
- C. Congregate or Interim Care Housing: A semi-independent housing facility containing congregate kitchen, dining, and living areas, but with separate sleeping

rooms. Such facilities typically provide special support services, such as transportation and limited medical care.

- D. Dependent Housing Facilities: Facilities such as convalescent homes and nursing homes which are designed for older persons who need a wide range of health and support services, including personal nursing care.
- E. Assisted Living: See 2.1.14 of this Ordinance

2.1.107 INGRESS AND EGRESS: As used in this Ordinance, "ingress and egress" generally is used in reference to a driveway which allows vehicles to enter or leave a parcel of property, or to a sidewalk or entranceway which allows pedestrians to enter or leave a parcel of property, a building, or another location.

2.1.108 JUNK: See Section 93.01 of the Code of Ordinances for a comprehensive definition of junk

2.1.109 JUNK YARD: An area where waste and used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including, but not limited to: junk, scrap iron, metals, paper, rags, tires, bottles and automobiles.

2.1.110 KENNEL: Any lot or premises on which more than three (3) dogs are six (6) months or older are kept, either permanently or temporarily, either for sale, breeding, boarding, training, or grooming; and may offer provisions for minor medical treatment including animal shelters.

2.1.111 LABORATORY: A place devoted to experimental, routine or basic study such as testing and analytical operations and in which manufacturing of product or products, except prototypes, is not performed.

2.1.112 LAND DIVISION: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than 1 year, or of building development that results in one (1) or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of section 108 and 109 of the Land Division Act, P.A. 288 of 1967 as amended. (See Section 150.15 Dividing Lots of the Code of Ordinances for a description of the application process.)

2.1.113 LANDFILL: Any disposal area, tract of land, building, unit or appurtenance or combination thereof that is used to collect, store, handle, dispose of, bury, cover over, or otherwise accept or retain refuse as herein defined.

2.1.114 LIVESTOCK: Horses, cattle, sheep, goats, hogs, and other domestic animals normally kept or raised on a farm.

2.1.115 LOADING SPACE, OFF-STREET: An off-street space of definite size and

dimensions in accordance with the requirements of this Ordinance, which is safely and conveniently located on the same lot as the building or buildings being served, for the temporary parking of delivery vehicles while loading and unloading merchandise and materials.

2.1.116 LOT (OR ZONING LOT OR PARCEL): For the purposes of enforcing this ordinance, a lot is defined as a piece of land under one ownership and control that is at least sufficient in size to meet the minimum requirements for use, coverage, area, setbacks, and open space as required herein. A lot shall have frontage on a roadway dedicated to the public and certified for maintenance by a public agency, or, if permitted by the regulations set forth herein, on a private road. A lot may consist of:

- A. A single Lot of Record.
- B. A portion of a Lot of Record.
- C. A combination of complete Lots of Record, or portion thereof.
- D. A piece of land described by metes and bounds.

2.1.117 LOT, ADJACENT: Lots which adjoin each other or which are separated only by a public or private right-of-way or easement.

2.1.118 LOT AREA, NET: The total horizontal area within the lot lines of a lot, exclusive of any abutting public street right-of-way or private road easements, or the area of any lake or wetlands area.

2.1.119 LOT AREA, GROSS: The net lot area plus one-half ($\frac{1}{2}$) of the area of any public right-of-way area or private road easement immediately adjacent to or abutting the lot.

2.1.120 LOT, CONTIGUOUS: Lots adjoining each other.

2.1.121 LOT, CORNER: A lot of which at least two (2) adjacent sides abut their full length upon a street, provided that such two (2) sides intersect at an angle of not more than one hundred thirty-five (135) degrees. Where a lot is on a curve, if the tangents through the extreme point of the street lines of such lot make an interior angle of not more than one hundred thirty-five (135) degrees, it shall be considered a corner lot. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above. (A tangent is a straight line extended from the outer edges of a curve which intersect to form a corner.)

2.1.122 LOT COVERAGE: The part or percent of the lot that is occupied by buildings or structures.

2.1.123 LOT DEPTH: The horizontal distance between the front street line and rear lot line, measured along the median between the side lot lines.

2.1.124 LOT, DOUBLE FRONTAGE: A lot other than a corner lot having frontage on two (2) more or less parallel streets. In the case of a row of double frontage lots, one (1) street shall be designated as the front street for all lots in the plat and in the request for a zoning compliance permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front.

2.1.125 LOT, FLAG: An interior lot whose lot line abuts the rear lot line of an adjacent lot fronting on a public or private road and which can be accessed by a driveway or private road abutting the side lot line of said adjacent lot.

2.1.126 LOT, INTERIOR: Any lot other than a corner lot with only one (1) lot line fronting on a street.

2.1.127 LOT LINES: The lines bounding a lot as follows:

- A. Front Lot Line: In the case of an interior lot abutting on one (1) public or private street, the front lot line shall mean the line separating the lot from such street right-of-way or the center line of the road however the parcel is described. In the case of a corner or double frontage lot, the front lot line shall be that line separating said lot from the street which is designated as the front street in the plat and/or in the request for a building permit.
- B. Rear Lot Line: Ordinarily, that lot line which is opposite and most distant from the front lot line. In the case of irregular, triangular, wedge shaped, or lots that are pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot.
- C. Side Lot Line: Any lot line other than the front or rear lot lines. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

2.1.128 LOT OF RECORD: A parcel of land, the dimensions and configuration of which are shown on a subdivision plat recorded in the offices of the Van Buren County Register of Deeds, or a lot or parcel described by metes and bounds, and accuracy of which is attested to by a land surveyor (registered and licensed in the State of Michigan) and likewise so recorded with the Van Buren County Register of Deeds.

2.1.129 LOT WIDTH: The straight line distance between the side lot lines, measured at the two points where the minimum front yard setback line intersects the side lot lines.

2.1.130 LOT SPLIT AND CONSOLIDATION: The dividing or uniting of lots by virtue of changes in the deeds in the office of the Van Buren County Register of Deeds and/or the Village

Clerk. The division of lots shall take place in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

2.1.131 MAIN ACCESS DRIVE: Any private street designed to provide access from a public street or road to a mobile home park, apartment or condominium complex, or other private property development.

2.1.132 MASSAGE THERAPIST (Certified): An individual specifically trained and certified in massage therapy and the healing arts by the American Massage Therapy Association or similar organization.

2.1.133 MASTER LAND USE PLAN: The master plan is a document which is prepared under the guidance of the Village Planning Commission and consists of graphic and written materials which indicate the general location for streets, parks, schools, public buildings and all physical development of the Village.

2.1.134 MEZZANINE: An intermediate level or levels between the floor and ceiling of any story with an aggregate floor area of not more than one-third (1/3) of the floor area of the story in which the level or levels are located. A mezzanine shall be deemed a full story if the vertical distance from the next floor below the mezzanine to the next floor above is twenty-four (24) feet or more.

2.1.135 MOBILE HOME PARK (MANUFACTURED HOUSING DEVELOPMENT): A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made, together with any building, structure, enclosure, street, equipment, or facility used or intended for use as temporary park, subject to conditions set forth in the Mobile Home Commission Rules and Michigan Public Act 419 of 1976, as amended.

2.1.136 MOBILE HOME LOT: An area within a mobile home park which is designated for the exclusive use of the occupants of a specific mobile home.

2.1.137 MOTEL: A building providing transient lodging with parking located near each unit which may include incidental uses such as conference facilities, meeting rooms, and restaurants.

2.1.138 MOTOR HOME: See Section 2.1.182 c Recreational Vehicles.

2.1.139 MUNICIPALITY: The word "municipality" shall mean the Village of Lawton, Van Buren County, Michigan.

2.1.140 MUNICIPAL CIVIL INFRACTION: An act or omission that is prohibited by this ordinance but which is not a crime under this ordinance and for which civil sanctions, including, without limitations, fines, damages and costs may be ordered.

2.1.141 NATURAL FEATURES: Natural features shall include soils, wetlands, floodplains,

water bodies and channels, topography, trees and other types of vegetative cover, and geologic formations.

2.1.142 NONCONFORMING BUILDING: A building or portion thereof that was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the minimum building height, area, setback, lot coverage or other provision of this Ordinance pertaining to buildings in the zoning district in which it is located.

2.1.143 NONCONFORMING LOT: A lot which was lawfully in existence at the effective date of this Ordinance, or amendments thereto, and which does not now conform to the lot size, lot width, or other provisions of this Ordinance pertaining to lots in the zoning district in which it is located.

2.1.144 NONCONFORMING USE: A use which was lawfully in existence at the effective date of this Ordinance, or amendment thereto, and which does not now conform to the use regulations of this Ordinance for the zoning district in which it is now located.

2.1.145 NUISANCE: Any offensive, annoying, or disturbing practice or object, which prevents the free use of one's property, or which renders its ordinary use or physical occupation uncomfortable. Nuisance commonly involves continuous or recurrent acts which give offense to the senses, violate the laws of decency, obstruct reasonable and comfortable use of property, endanger life and health, or the generation of an excessive or concentrated movement of people or things such as : (a) noise, (b) dust, (c) smoke, (d) odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of congregation of people, particularly at night, (n) passenger traffic, or (o) invasion of non-abutting street frontage by traffic

2.1.146 NURSERY, PLANT MATERIAL: A space, building, and/or structure, or combination thereof, where live trees, shrubs, and other plants used for gardening and landscaping are propagated, stored, and/or offered for sale on the premises. Also see OPEN AIR BUSINESS and ROADSIDE STAND.

2.1.147 NURSING HOME, CONVALESCENT HOME, or REST HOME: See Section 2.1.113 Housing, Elderly.

2.1.148 OCCUPANCY, CHANGE OF: The term "change of occupancy" shall mean a discontinuance of an existing use and the substitution of a use of a different kind or class, or, the expansion of a use.

2.1.149 OCCUPANCY LOAD: The number of individuals normally occupying a building or part thereof or for which the exit way facilities have been designed.

2.1.150 OPEN AIR BUSINESS: Any business that is conducted primarily out-of-doors. Unless otherwise specified herein, open air business shall include:

- A. Retail sales of garden supplies and equipment, including but not limited to: trees, shrubbery, plants, flowers, seed, topsoil, trellises, and lawn furniture.
- B. Roadside stands for the sale of agricultural products, including fruits, vegetables, and Christmas trees.
- C. Various outdoor recreation uses, including but not limited to: tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges, and amusement parks.
- D. Outdoor display and sale of model garages, swimming pools, playground equipment, and similar uses.

2.1.151 OPEN FRONT STORE: A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter said structure.

2.1.152 OPEN SPACE: Lands open from ground to sky and devoted to outdoor recreation space, greenery, and resource protection. Developed open spaces may include, but is not limited to, playground fixtures, shelter, and tennis courts.

2.1.153 OPEN SPACE, COMMON: An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners, and occupants, and generally owned and maintained in common by them, often through a home owners or property owners association.

2.1.154 OPEN SPACE, PUBLIC: Any primarily undeveloped land intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

2.1.155 OPEN STORAGE: Any outdoor storage of building materials, sand, gravel, stone, lumber, equipment, or other supplies.

2.1.156 OUTLOT: A parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

2.1.157 PARCEL: See LOT.

2.1.158 PARK, PRIVATE: Land held in private ownership used for active recreation and/or open space. The land, at the discretion of the owner(s), may or may not be available for use by the general public.

2.1.159 PARK, PUBLIC: Publicly owned land used for active recreation and/or open space and available for use by the general public. Use of the land may be subject to specified conditions.

2.1.160 PARKING LOT, OFF-STREET: An area on public or private property which provides

vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide safe and convenient access for entrance and exit and for parking of more than three (3) vehicles.

2.1.161 PARKING SPACE: An area of definite length and width as designated in this Ordinance for parking an automobile or other vehicle, which is fully accessible for such purposes, and is exclusive of access drives and aisles thereto.

2.1.162 PARTY WALL: A wall starting from the foundation and extending continuously through all stories to or above the roof that separates one building from another and that is in joint use by each building.

2.1.163 PERSON: An individual, trustee, executor, fiduciary, corporation, firm, partnership, association, organization, or other legal entity acting as a unit.

2.1.164 PERFORMANCE STANDARD: A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat, or other effects.

2.1.165 PET: A domesticated dog, cat, bird, gerbil, hamster, guinea pig, turtle, fish, or other similar animal that is kept for pleasure or companionship. (See Section 91.01 Animals of the Code of Ordinances for further detail.)

2.1.166 PLANNED UNIT DEVELOPMENT: A planned unit development may include such concepts as cluster development, planned development, community unit development, planned residential development, and other terminology denoting special zoning requirements and review procedures. These requirements and procedures are intended to provide design and regulatory flexibility, so as to accomplish the objectives of this Ordinance using innovative and effective planning approaches.

2.1.167 PLAT: A map of a subdivision of land.

2.1.168 POULTRY: Any of various breeds of birds long ago domesticated by man so as to live and breed in a tame, docile, tractable condition useful to man for meat and eggs, including chickens, ducks, geese, guinea fowl and turkeys not including game fowl.

2.1.169 PORCH: An exterior appendage to a building which has a separate roof or a roof integral with the building which forms a covered approach to a doorway or vestibule.

Porch, Enclosed: A porch separated from the outside by an all-weather partition or a partition which renders the area inside the partition habitable.

Porch, Open: A porch not separated from the outside by either an all-weather partition or a partition rendering the area inside the partition habitable.

2.1.170 PROPERTY LINE: The line separating a piece of property from the street right-of-way and the lines separating a parcel of property from the parcels next to it. See also LOT

LINE.

2.1.171 PUBLIC NOTICE: A notice of the time, place, and purpose of a public hearing, which notice shall be posted in a manner and within a time frame as prescribed in this Ordinance or in applicable State law.

2.1.172 PUBLIC UTILITY: Any persons, firm, corporation, municipal department, or board, duly authorized to furnish to the public under government regulations any of the following: electricity, gas, steam, communications services, cable television services, transportation services, water, sewer service, or sewage treatment.

2.1.173 RECREATION ESTABLISHMENT, INDOOR: A privately owned facility designed and equipped for the conduct of sports, amusement, or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as gymnasiums and fitness centers, bowling alleys, indoor soccer facilities, racquetball and tennis clubs, ice and roller skating rinks, curling centers, and firearms ranges.

2.1.174 RECREATION ESTABLISHMENT, OUTDOOR: A privately owned facility designed and equipped for the conduct of sports, amusements, or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis clubs, archery ranges, golf courses, miniature golf courses, golf driving ranges, water slides, batting cages and machines, skateboarding parks, and children's amusement parks.

2.1.175 RECREATIONAL LAND: Any public or privately owned lot or land that is utilized for recreation activities such as, but not limited to, camping, swimming, picnicking, hiking, nature trails, boating, and fishing.

2.1.176 RECREATIONAL VEHICLE: A boat, snowmobile, off-road vehicle, camper travel trailer, motor home, pick-up camper, or trailer which is designed for private recreational or travel use and which is further defined as:

- A. Travel Trailer: A portable vehicle on a chassis, which is designed to be used as a temporary dwelling during travel, recreational, and vacation uses, and which may be identified as a travel trailer by the manufacturer. Travel trailers generally contain sanitary, water, and electrical facilities.
- B. Pickup Camper: A structure designed to be mounted on a pickup or truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling during the process of travel, recreational, and vacation uses.
- C. Motor Home (Trailer Coach): a self-propelled motorized recreational vehicle intended, designed, used, or constructed, and duly licensable for travel and/or recreational usage, and for temporary human habitation, sleeping, and/or cooking

and eating for one (1) or more persons, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor home generally contains sanitary, water, and electrical facilities.

- D. Folding Tent Trailer: A folding structure, mounted on wheels and designed for travel and vacation use.
- E. Boats and Boat Trailers: Boats, floats, rafts, canoes, plus the normal equipment to transport them on the highway.
- F. Other Recreational Equipment: Snowmobiles, all terrain vehicles, special terrain vehicles, utility trailers, plus normal equipment to transport them on the highway.
- G. See Sections 150.16 General regulations and 71.02 Snowmobiles of the Village Code of Ordinances for further details.

2.1.177 REFUSE: The miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals or any similar or related combinations thereof.

2.1.178 RESTAURANT: A restaurant is any establishment whose principal business is the sale of food and beverages to the customer in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in, drive-through, fast food, standard restaurant, or bar/lounge, or combination thereof, as defined below:

- A. Restaurant, Carry-Out: A carry-out restaurant is a restaurant whose method of operation involves sale of food, beverages, and/or frozen desserts in disposable or edible containers or wrappers in a ready-to-consume state for consumption primarily off the premises.
- B. Restaurant, Drive-In: A drive-in restaurant is a restaurant whose method of operation involves delivery of prepared food so as to allow its consumption in a motor vehicle or elsewhere on the premises, but outside of an enclosed building.
- C. Restaurant, Drive-Through: A drive-through restaurant is a restaurant whose method of operation involves the delivery of the prepared food to the customer in a motor vehicle, typically through a drive-through window, for consumption off the premises.
- D. Restaurant, Fast-Food: A fast-food restaurant is a restaurant whose method of operation involves minimum waiting for delivery of ready-to-consume food to the customer at a counter or cafeteria line for consumption at the counter where it is served, or at tables, booths, or stands inside the structure or out, or for consumption

off the premises, but not in a motor vehicle at the site.

- E. Restaurant, Standard: A standard restaurant is a restaurant whose method of operation involves either:
1. The delivery of prepared food by waiters and waitresses to customers seated at tables within a completely enclosed building, or
 2. The prepared food is acquired by customers at a cafeteria line and is subsequently consumed by the customers at tables within a completely enclosed building.

2.1.179 RIGHT-OF-WAY: A right-of-way as defined herein dedicated to or owned by a public body and available for use by the general public. In the case of public streets, the right-of-way normally includes curbs, lawn strips, and lighting and drainage facilities.

2.1.180 ROADSIDE STAND: A temporary or permanent building or structure operated in a residential or agricultural district for the selling of products grown or produced on the premises together with incidental related products.

2.1.181 ROOM: For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3 bedroom units and including a "den", "library", or other extra room shall count such extra room as a bedroom for the purpose of computing density.

2.1.182 SATELLITE ANTENNA: An accessory structure which at its widest dimension is in excess of 36 inches, capable of receiving signals from orbiting satellites and other extraterrestrial sources, together with other equipment related to such purposes.

2.1.183 SCHOOL, HOME: A school which enables a child to be educated at the child's home by his or her parent or legal guardian in an organized educational program in the subject areas of reading, spelling, mathematics, science, history, civics, literature, writing, and English grammar. The home school family may choose whether to operate as a nonpublic school. If a home school family chooses to operate as a nonpublic school, it must register with the Michigan Department of Education.

2.1.184 SCHOOL, NONPUBLIC: A nonpublic school is any school other than a public school giving instruction to children below the age of sixteen (16) years and not under the exclusive supervision and control of the officials having charge of the public schools of the state. Nonpublic schools include private, denominational, and parochial schools.

2.1.185 SCHOOL, PUBLIC: A public elementary or secondary educational entity or agency that has as its primary mission the teaching and learning of academic and vocational-technical

skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, public state university, or by the department or state board.

2.1.186 SCREEN, OBSCURING: A visual barrier between adjacent area or uses consisting of structures, such as a wall or fence, or living plant material.

2.1.187 SETBACK: The distance between a front, side or rear lot line and the nearest supporting member of a structure on the lot. The **MINIMUM REQUIRED SETBACK** is the minimum distance between a front, side or rear lot line and the nearest supporting member of a structure in order to conform to the required yard setback provisions of this Ordinance (see definition of **YARD**).

2.1.188 SIDEWALK: Pedestrian or non-motorized vehicular circulation routes built according to the standards of the Village or other agency with right-of-way jurisdiction, as applicable.

2.1.189 SIGN: Any visual or graphic device designed through use of words, numbers, characters, or symbols to inform or attract attention and which is designed to be visible from outside any building or structure in which, upon which, or attached to which it may be located.

2.1.190 SITE PLAN: A plan showing all salient features of a proposed development, so that it may be evaluated to determine whether it meets the provisions of this Ordinance

2.1.191 SPECIAL EVENT: An occurrence or noteworthy happening of seasonal, civic, or church importance, which is organized and sponsored by a non-profit community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events may or may not be open to the public.

2.1.192 STATE LICENSED RESIDENTIAL FACILITY: Any structure constructed for residential purposes that is licensed by the State of Michigan pursuant to Public Act 287 of 1972, Public Act 11 of 1973, or Public Act 218 of 1979. These acts provide for the following types of residential structures:

- A. **Adult Foster Care Facility:** A governmental or nongovernmental establishment having as its principle function the receiving of adults, 18 years of age or older, for foster care in accordance with Public Act 218 of 1974, as amended, and the Adult Foster Care Administrative Rules as administered by the Michigan Department of Consumer & Industry Services. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an ongoing basis but who do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse

rehabilitation centers, or residential centers for persons released or assigned to a correctional facility. The following four (4) types of Adult Foster Care Homes are provided for by these rules:

1. **Adult Foster Care Family Home:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
 2. **Adult Foster Care Small Group Home:** An adult foster care facility with the approved capacity of not more than 12 adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license only if seven (7) or more residents will live in the home.
 3. **Adult Foster Care Large Group Home:** An adult foster care facility with the approved capacity to receive at least 13 but not more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
 4. **Adult Foster Care Congregate Facility:** An adult foster care facility with the approved capacity to receive more than twenty (20) adults who shall be provided foster care. Local zoning approval is required prior to issuance of a license.
- B. **Foster Family Home:** A private residence that houses four (4) or fewer foster children, up to age 19, under constant child care and supervision. Under Public Act 116 of 1973, a Foster Family Home does not require local zoning approval before being licensed by the Department of Consumer and Industry Services.
- C. **Foster Family Group Home:** A private residence that houses five (5) or six (6) foster children, up to age 19, under constant care and supervision. Under Public Act 116 of 1973, a Foster Family Group Home requires local zoning approval before being licensed by the Department of Consumer and Industry Services.

2.1.193 STATE EQUALIZED VALUATION: The value shown on the Village assessment roll as equalized through the process of State and County equalization.

2.1.194 STORAGE: The depositing of material, products for sale or use, or other items for a period greater than 24 hours. This definition shall include items for household use, but shall not include vehicles, boats, mobile homes and other items.

2.1.195 STORY: That portion of a building included between the upper surface of any floor, and the upper surface of any floor above; or any portion of a building between the topmost floor and the roof having a usable floor area to at least 50 percent of the usable floor area of the floor

immediately below it.

A mezzanine shall be deemed a full story when it covers more than one-third (1/3) of the area of the story underneath said mezzanine, or, if the vertical distance from the floor next below the mezzanine to the floor next above it is twenty-four (24) feet or more.

A basement shall be deemed a full story when the vertical distance from the average grade to the floor below is less than the vertical distance from the average grade to the ceiling.

2.1.196 STORY, HALF: The uppermost story lying under a pitched roof, the usable floor area of which does not exceed two-thirds of the floor area of the uppermost full story. The usable floor area of a half story shall be at least 160 square feet with a minimum clear height of seven (7) feet, six (6) inches.

2.1.197 STREET: A public or private street, road or thoroughfare intended primarily to provide vehicular circulation and access to abutting property. Various types of streets are defined as follows:

- A. Collector Street: A street whose principal function is to carry traffic between local or minor streets and major streets but may also provide direct access to abutting properties.
- B. Cul-De-Sac: A street that terminates in a vehicular turnaround.
- C. Local or Minor Street: A street whose sole function is to provide access to abutting properties.
- D. Major Street: A street that carries high volumes of traffic and serves as a main avenue through or around the Village. Major streets may also be referred to as arterial streets or major thoroughfares.
- E. Private Street or Road: A street or road under private ownership which has been constructed for the purposes of providing access to adjoining property, and which is normally open to the public so that persons other than the occupants of adjoining property may travel thereon, but which has not been accepted for maintenance by the Village, State or Federal Government.
- F. Public Street or Road: A street or road, the right-of-way and improvements of which have been accepted for maintenance by the Village, or State Government.

2.1.198 STREET LINE: A dividing line between the street and a lot, also known as the right-of-way line.

2.1.199 STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having such location. Structures include, but are not limited to, principal and accessory buildings, towers, decks, fences, privacy screens, walls, antennae, swimming pools, and signs.

2.1.200 STRUCTURAL ALTERATION: Any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams, or girders, or any change in the width or number of exits, or any substantial change in the roof.

2.1.201 STRUCTURE, OUTDOOR ADVERTISING: Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed.

2.1.202 SUBDIVISION PLAT: The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act 288 of 1967, as amended.

2.1.203 SWIMMING POOL: Shall mean any permanent, non-portable structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered an accessory structure for purposes of computing lot coverage.

2.1.204 TELECOMMUNICATIONS TOWERS AND FACILITIES OR TOWER: All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities, short wave receiving facilities, radio and television broadcast reception facilities, satellite dishes, federally licensed amateur (HAM) radio facilities, and governmental facilities which are subject to state or federal law or regulations which preempt municipal regulatory authority.

2.1.205 TEMPORARY USE OR BUILDING: See BUILDING, TEMPORARY or USE, TEMPORARY.

2.1.206 THEATER: An enclosed building used for presenting performances or motion pictures which are observed by paying patrons from seats situated within the building.

2.1.207 TOXIC OR HAZARDOUS WASTE: Waste or a combination of waste and other discarded material including solid, liquid, semi-solid, or contained gaseous material which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to the following if improperly treated, stored, transported, disposed of, or otherwise managed:

- A. an increase in mortality, or
- B. an increase in serious irreversible illness, or
- C. serious incapacitating, but reversible illness, or
- D. substantially present a potential hazard to human health or the environment.

2.1.208 TRAILER: See RECREATIONAL VEHICLE; DWELLING, MOBILE HOME; and UTILITY TRAILER.

2.1.209 TRANSITION: The word or term "transition" or "transitional" shall mean a zoning district, a landscaped area, lot arrangement, wall or other means which may serve as a buffer between various land use types, particularly those uses which are incompatible.

2.1.210 TRUCK STORAGE: An area used for the temporary storage of private trucks or trucks for hire.

2.1.211 TRUCK TERMINAL: a structure to which goods, except raw or unprocessed agricultural products, natural minerals, or other resources, are delivered for immediate distribution to other parts of the Village or to be amalgamated for delivery in larger units to other points in the metropolitan area; or for distribution or amalgamation involving transfer to other modes of transportation.

2.1.212 USE: The purpose for which land, lots, or buildings thereon is designed, arranged or intended, or for which it is occupied, maintained, let or leased.

2.1.213 USE, ACCESSORY: See ACCESSORY USE, BUILDING, OR STRUCTURE.

2.1.214 USE, SPECIAL: A use which is subject to special approval by the Village Council. A special use may be granted only where there is a specific provision in this ordinance.

2.1.215 USE, PERMITTED: A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements, regulations, and standards of such district.

2.1.216 USE, PRINCIPAL: The principal use is the main use of land and buildings and the main purpose for which land and buildings exist.

2.1.217 USE, TEMPORARY: Shall mean a use permitted to exist during a specified period of time under conditions and procedures as provided in this Ordinance.

2.1.218 UTILITY ROOM: A utility room is a room in a dwelling, the use of which is primarily for storage, for housing a heating unit, or for laundry purposes.

2.1.219 UTILITY TRAILER: A small trailer that is designed to be pulled by an automobile, van, or pick-up truck.

2.1.220 VARIANCE: A modification of the literal provisions of the Zoning Ordinance in accordance with the provisions herein in cases where strict enforcement would cause undue hardship as a result of special circumstances affecting an individual property that do not generally affect other properties in the same zoning district.

The crucial points of variance are: (a) undue hardship, (b) unique circumstances, and (c) applying to property. A variance is not justified unless all three elements are present in the case.

A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") shall not be permitted. Hardships based solely on economic considerations are not grounds for a variance. A use variance is not a special exception use.

2.1.221 VEHICLE, COMMERCIAL: Any one of a class of vehicles and similar vehicles whose characteristics are described below which have or require commercial license plates and have a gross vehicle weight in excess of six-thousand-five-hundred (6,500) pounds. Any commercially licensed vehicle which does not possess the characteristics of a commercial vehicle, as defined below, shall not be subject to the restrictions applying to commercial vehicles:

Semi-trailer: A trailer unit which is customarily attached to and propelled by a truck tractor vehicle, but which can be detached to stand alone. Semi-trailer shall include trailers with flat beds, stake beds, roll-off beds, tanker bodies, dump bodies, and full or partial box-type enclosures.

Truck Tractor: A commercial vehicle which is capable of attaching to and propelling semi-trailers, mobile homes, modular homes, boat trailers and similar units, and which is not customarily operated without an attached trailer.

Other Commercial Vehicles: Any truck or motor vehicle with a cab and chassis with a stake rack, dump body, wrecker body, tanker body, or any other body, the mounted height of which exceeds the height of the cab roof more than eight (8) inches. This shall include any vehicle which has a commercial license plate and which is designed to accommodate a body length in excess of nine (9) feet. Commercial vehicles do not include motor homes or recreational vehicles, but do include construction equipment such as backhoes, power shovels, bulldozers, earth moving equipment, and similar vehicles

2.1.222 WALL, OBSCURING: Shall mean a masonry structure of definite height and location to serve as an opaque screen in carrying out the requirements of this Ordinance.

2.1.223 WALL, PARAPET: An extension of a building wall above the roof which may serve to screen roof mounted mechanical equipment.

2.1.24 WALL, RETAINING: A permanent solid barrier of brick, stone, or other opaque material intended to enclose an area. For the purpose of this Ordinance, all supporting members, posts, stringers, braces, pilasters, or other construction features of a retaining wall shall be

located and placed on the inside of the wall away from public view. Moreover, all retaining walls shall be constructed and/or painted, tinted, or colored in one color only for their exterior surface, and no sign or advertising shall be placed, affixed, painted, or designed thereon.

2.1.225 WAREHOUSE: A building used for short and/or long term storage in connection with production and marketing or in connection with manufacturing, freight handling, and retailing.

2.1.226 WAREHOUSE, MINIATURE OR SELF-STORAGE: A building or group of buildings in a controlled access and /or fenced compound that contains varying sizes of individualized, compartmentalized, and controlled-access stalls or lockers for the storage of customers goods or wares.

2.1.227 WASTE RECEPTACLE STATION: Any exterior space which is not a principal use for containers, structures, or other receptacles intended for temporary storage of solid waste materials.

2.1.228 WETLAND: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

2.1.229 WETLAND, REGULATED: Certain wetlands regulated by the Michigan Department of Natural Resources and Environment under the provisions of Act 451, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

- A. Contiguous to an inland lake or pond, or a river, or a stream,
- B. Not contiguous to an inland lake, pond, river, or stream, and more than five (5) acres in size, or
- C. Not contiguous to an inland lake, pond, river, or stream and five (5) acres or less in size if the Michigan Department of Natural Resources and Environment determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

2.1.230 WHOLESALE SALES: On-premise sales of goods primarily to customers engaged in the business of reselling the goods.

2.1.231 WIRELESS COMMUNICATION FACILITIES: All structural facilities, attached or accessory, related to the radio frequency spectrum for the purpose of transmitting or receiving radio signals, including but not limited to radio and television towers, cellular telephone and paging towers, telephone devises and exchanges, microwave relay towers, telephone

transmission equipment buildings and commercial mobile radio service facilities. Not included are facilities for citizen band radio, short wave radio, ham and amateur radio, television reception antenna, satellite dishes, and government facilities which are subject to state and federal law. Wireless communication facilities shall be specifically excluded from the definition of “public facility” or “essential service.”

2.1.232 WIRELESS COMMUNICATION SUPPORT STRUCTURES (TOWERS): Any structure used to support attached wireless communication facilities, or other antenna or facilities, including support lines, cables, wires, braces and masts intended primarily for the purpose of mounting an attached wireless communication facility or similar apparatus above grade, including any ground or roof-mounted pole, monopole, lattice towers, light poles, wood poles, and guyed towers or other similar structures which support wireless communication facilities.

2.1.233 YARD: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance. The Minimum Required Setback is the minimum depth of a front, rear or side yard necessary to conform to the required yard setback provisions of this ordinance.

- A. Yard, Front: A yard extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the principal building. Unless otherwise specified, on corner lots there shall be maintained a front yard along each street frontage.
- B. Yard, Rear: A yard extending the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and the nearest point on the principal building. On corner lots, the rear yard may be opposite either street frontage, but there shall only be one rear yard.
- C. Yard, Side: A yard between a principal building and the side lot line, extending from the front yard to the rear yard, the width of which shall be the horizontal distance from the nearest point of the side lot line to the nearest point on the principal building.

2.1.235 ZONING BOARD OF APPEALS: The Village of Lawton Zoning Board of Appeals created in accordance with the provisions of the Michigan Zoning Act, Public Act 110 of 2006, as amended

ARTICLE III

ZONING DISTRICTS AND MAP

3.0 DISTRICTS ESTABLISHED

For the purpose of this Ordinance, the Village of Lawton is hereby divided into the following districts:

Residential Districts

AG	Agriculture
R-1	One-Family Residential District
R-2	One-Family Residential District
R-3	One-Family Residential District
RT	Two-Family Residential District
RM-1	Multiple-Family Residential District (Low Rise)
RM-H	Residential Mobile Home Park

Non-Residential Districts

OS-1	Office Service District
B-1	Local Business District
B-2	Community Business District
B-3	Central Business District
I-1	Light Industrial District
I-1	General Industrial District
P-1	Vehicular Parking District

3.1 DISTRICT BOUNDARIES AND INCLUSION OF THE ZONING MAP BY REFERENCE

The boundaries of these districts are hereby established as shown on the Zoning Map, Village of Lawton Zoning Ordinance, which accompanies this Ordinance, and which map with all notations, references, and other information shown thereon shall be as much a part of the Ordinance as is fully described herein.

3.2 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Boundaries as approximately following center lines of streets, highways, or alleys, shall be construed to follow such center lines.

- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following village limits shall be construed as following city limits.
- D. Boundaries indicated as following railroad lines shall be construed to be the midway between the main tracks.
- E. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- F. Boundaries indicated as parallel to or extensions of features indicated in subsection 1 through 5 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.
- G. Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 6 above, the Board of Appeals shall interpret the district boundaries.

3.3. ZONING OF ANNEXED AREAS

Whenever any area is annexed to the Village of Lawton, is shall immediately upon such annexation, be automatically classified as an R-1 District until a Zoning Map for said area has been adopted by the Village Council. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the area is annexed.

3.4. ZONING OF VACATED AREAS

Whenever any street, alley or other public way, within the Village Council shall be vacated, such street, alley or other public way or portion thereof, shall automatically be classified in the same zone district as the property to which it attaches.

3.5. DISTRICT REQUIREMENTS

All buildings and uses in any district shall conform to the requirements of the Schedule of Regulations.

ARTICLE IV

GENERAL PROVISIONS AND EXCEPTIONS

4.0 EFFECTS OF ZONING

Zoning affects every structure and land use in the Village. Except as may be specified in this Ordinance, no building structure or premises shall be hereafter be used or occupied and no building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, except when in conformity with the regulations of specified herein.

In case any building or part thereof is used, erected, altered, or occupied contrary to law or the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, demolished, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

If construction on a building is lawfully begun prior to the adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of such a building provided that actual construction is being diligently carried on, and further provided that such a building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance or affecting amendment.

4.1 APPLICATION OF REGULATIONS

The regulations set forth in this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure, land or use and throughout the Village and within each zoning district.

4.1.1 All buildings, structures, or land may be hereafter used, constructed, altered or occupied only when in conformity with all of the regulations herein specified for the district in which it is located.

4.1.2 No building or structure shall hereafter be altered to accommodate or contain a greater number of persons or families than permitted by the respective zoning district; or to have narrower or smaller setbacks than permitted in this Ordinance.

4.2 GENERAL EXCEPTIONS

4.2.1 **Essential Services.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village, it being the intention to exempt such essential services from the application of this Ordinance, except that all buildings hereunder shall be subject to site plan review in accordance with this

Ordinance. .

- 4.2.2 **Voting Place.** The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

4.3 **EASEMENTS**

It shall be unlawful for any person to install, erect, cause or permit the installation of a permanent structure (garage, building or large tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use.

4.4 **GRADES, ELEVATION DIFFERENTIALS, AND RETAINING WALLS**

- 4.4.1 The grading of all building lots shall be such so as to divert water away from buildings and to prevent standing water and soil saturation detrimental to structures, lot use, and surrounding property. However, water should not be diverted to adjacent properties.

- 4.4.2 Retaining walls in excess of four (4) feet in height shall require a building permit. All retaining walls shall be designed and built so as to safely resist lateral pressures of soil behind them and be safely supported by soil beneath them. Additionally, retaining walls shall be maintained in a structurally sound condition and shall not impair drainage or create negative impacts on adjacent properties.

4.5 **NONCONFORMITIES**

4.5.1 Intent

- A. Nonconformities are uses, structures, buildings, or lots which do not conform to one or more provisions of this Ordinance or a subsequent amendment, but which are lawfully established prior to the time of the adoption of the Ordinance or subsequent amendment. Such nonconformities are declared by this Ordinance to be incompatible with the current or intended use of land in the district in which they are located.

Accordingly the purpose of this section is to establish regulations that govern the completion, restoration, reconstruction, extension and/or substitution of nonconformities, and to specify the circumstances and conditions under which nonconformities shall be permitted to continue.

- B. Nonconforming uses of land. A nonconforming use of land occurs when property is used for a purpose in a manner made unlawful by the regulations

applicable in the district in which the property is located.

Where, on the effective date of this Ordinance, or the effective date of an amendment to this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance may continue so long as it remains otherwise lawful and subject to the following provisions.

1. No nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of this Ordinance.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption of this Ordinance.
3. If a nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified in this Ordinance for the district in which such land is located. In applying this section to seasonal uses, the time during the off-season shall not be counted.

- C. Continuation of a nonconforming structure. A nonconforming structure exists when the height, size, setback, or lot coverage of a structure or the relationship between an existing building or other building or lot lines does not conform to the applicable district in which the structure is located.

Where a lawful structure exists at the effective date of this Ordinance that could not be built under the terms of this Ordinance, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Structures or uses nonconforming by reason of height, yards, area, parking provisions may be extended, altered, or modernized provided that no additional encroachment(s) are realized.
2. Should such a structure be moved for any reason for any distance, it shall conform to the regulations of the district to which it is relocated.

- D. Alterations, repairs and maintenance.

1. Repairs or maintenance considered necessary by the Building Inspector to keep nonconforming structure safe and sound are permitted.

2. Any nonconforming structure or building, **but not a nonconforming use**, that is damaged by fire, flood, wind, or other natural disaster may be restored and the conforming use or occupancy of such a building or structure, or part thereof, which existed at the time of such destruction may be continued or resumed, provided that such restoration is started within a period of twelve (12) months after the time such damage occurred. Extensions may be granted by the Village Council for just cause.
 3. No nonconforming use of land, except residential dwellings, shall be enlarged or extended beyond its present limits. A residential nonconforming use may be extended or enlarged up to twenty-five (25) percent of the ground floor area of the existing residence.
- E. Change in tenancy or ownership. There may be a change of tenancy, ownership, or management of any nonconforming use, structure, or premises provided there is no change in the nature or character of such nonconforming use except in conformity with the provisions of this Ordinance. The Village Council may approve a change of use from one nonconforming use to another nonconforming use if it finds that the new use is lesser nonconforming than the previous use.
- F. Unlawful nonconformities. No Nonconformity shall be permitted to continue if it was unlawful at the time it was established.
- G. Removal of nonconforming uses and structures. The Village may acquire by purchase, condemnation, or otherwise, private property if it finds that its continuance constitutes a nuisance or is detrimental to the health, safety, and welfare of the Village and its residents.
- H. Plans already filed. Where plans for a building have been filed which would conform when the zoning regulations were effective, but not with subsequently enacted and where a building permit for the building has been issued, such building may be erected provided construction is begun within three (3) months after the issuance of the permit.

4.6 **SITE PLAN REVIEW AND APPROVAL**

The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Village of Lawton in order to accomplish the developer's objectives in harmony with the existing and prospective use and development of existing properties. It shall further be the purpose of this section to insure that each proposed

development and its components, appearance, and function is in compliance with this Ordinance, other Village ordinances, along with state and federal laws.

The site plan review procedures and standards of this section are intended to provide a consistent and uniform method of review for proposed development plans. Through the application of the following provisions the attainment of the development goals contained in the Village of Lawton Planning Commission will be assured.

4.6.1 When a site plan is **not** required: submission of a site plan is **not** required in the following circumstances:

1. Single family and two family dwellings in residentially zoned areas
2. Accessory building in residentially zoned areas
3. Agricultural accessory buildings when located in agriculturally zoned areas.

4.6.2 When a site plan is required: submission of a site plan is required for any of the following:

1. Any development or use for which the submission of a site plan is required by the provisions of this Ordinance.
2. Any proposal to change, replace with a different use, add a use on an existing site
3. All condominium developments
4. Wireless communication facilities

4.6.3 Application process: An application for site plan review shall be made to the Village by filing not less than seven (7) copies of an application form and a detailed site plan with the Village Clerk at least thirty (30) days in advance of a regularly scheduled Planning Commission meeting. Fees are required to be paid in accordance with the fee schedule as established by the Village Council.

The application shall contain:

1. The applicant's name, address, and phone number
2. The address and parcel number of the property

3. A signed statement that the applicant is the owner of the property or has legal financial interest in the property
 4. The name and address of owner(s) of record if the applicant is not the owner of record
 5. Project description
 6. The gross and net acreage of all lots or parcels in the project
 7. Existing zoning classification, land uses, and structures on the subject lots or parcel(s)
 8. The name and address of the developer, site engineer, architect, and/or land surveyor
 9. Project completion schedule/development phases
 10. If in the opinion of the Village such information is necessary, written statements relative to project impacts on existing infrastructure and on the natural environment of the site and of adjoining lands.
- 4.6.2 Site Plan Information: Each submittal for site plan review shall be accompanied by a detailed site plan which shall consist of an accurate drawing showing the entire site and all land within three hundred (300) feet of the site. The scale of the site plan shall not be less than 1 inch = 50 feet if site is less than three (3) acres, and 1 inch = 100 feet if the site is three (3) acres or more. If multiple sheets are used, each shall be labeled and the preparer shall be identified.

The following information shall be included on the site plan:

1. Name of the development and general location sketch
2. Name, address, and phone number of owner(s), developer, site engineer, architect, and/or designer
3. North arrow, scale, and date of original drawings and revisions
4. The seal of the of the following professional registered in the State of

Michigan:

- a. Registered Architect
 - b. Registered Civil Engineer
 - c. Registered Landscape Architect
 - d. Registered Land Surveyor
5. A legal description and address of the site
 6. The area of the site in square feet and acres excluding all existing and proposed rights-of-way
 7. The dimensions of all lots and subject properties, showing the relationship of the subject property to abutting properties, including lots across rights-of-way and easements. The boundaries of the subject property shall be clearly indicated on the site plan, differentiated from other contiguous property. If the parcel is part of a larger parcel, boundaries of total land holdings shall be indicated
 8. Existing topographic elevations at two (2) foot intervals, including ground elevations of all existing buildings and structures and any unusual surface conditions
 9. The location and elevations of existing water courses and water bodies, including county drains and man-made surface drainage ways, floodplains and wetlands.
 10. Any site amenities and unique features
 11. Existing land uses and zoning classifications of the site and adjacent parcels
 12. All required minimum setbacks from existing or proposed rights-of-way and from adjacent parcels
 13. The location and dimensions (length, width, height) of all existing and proposed structures on the subject property and any existing structures within three hundred (300) feet of the subject property
 14. The location and width of all existing public roads, rights-of-way or private

easements of record, abutting streets, and driveway locations to abutting streets

15. Proposed finish grade of buildings, driveways, and parking lots
16. Proposed utility service
17. Proposed storm water management plan
18. Soil erosion and sedimentation control measures
19. Buffering or landscaping plan, if required
20. Notation of any variances which may have been or need to be secured
21. The phasing of all development
22. Approval of the local fire authority saying that the site plan provides sufficient access to buildings and structures by emergency vehicles

4.6.5 Criteria for Granting Site Plan Approval: Each site plan shall conform to all applicable provisions of this Ordinance. The following criteria shall be used by the Village Planning Commission when reviewing site plan for a recommendation or an approval:

1. All elements of the site plan shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use.
2. The site plan shall comply with the zoning district requirements for lot size, setbacks, and all other requirements set forth in this Ordinance.
3. The existing natural landscape shall be preserved in its natural state as much as possible by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
4. The site plan shall demonstrate how reasonable visual and sound privacy will be preserved.

5. There shall be special attention given to proper site drainage. Appropriate measure shall be taken to insure that the site is properly drained and that the removal of all surface water will not adversely affect adjacent properties.
6. All proposed streets and roads shall conform to Village of Lawton design standards.
7. The site plan shall demonstrate how the site is served by water and sewage facilities.
8. Any use permitted in any zoning district must comply with all applicable county, state and federal regulations relating to health, pollution, noise, smoke, fugitive dust, vibration, noxious and odorous matter, glare, head, erosion control, floodplains, wetlands, electromagnetic radiation, fire and explosive hazards, and toxic and hazardous materials. Site plan approval may be conditioned on the applicant receiving the necessary county, state, and federal permits before final site plan approval or a building permit granted.

- 4.6.6 Issuance of a Building Permit After Site Plan Approval: Complete construction plans including component phases, shall be submitted for review by the Village Building Inspector. Upon review and finding that the construction plans meet the requirements of site plan review and related construction code, the Building Inspector shall issue a building permit for the construction of the project.

Site plan approval shall be valid for one (1) year after the date of the approval by the Planning Commission. If the applicant does not obtain a building permit within one (1) year after the date of the approval, the site plan shall expire unless extended by a vote of the Planning Commission. Revocation of an approved site plan shall be communicated in writing by certified mail to the property owner and/or the applicant.

- 4.6.7 Modification of an Approved Site Plan: Once a site plan has been approved, changes to an approved site plan shall require the re-submission and payment of the required application fee, unless it is determined that the changes involve ten percent (10%) or less change in the proposed building floor area or off-street parking. Each approved modification shall have the signatures of the applicant and the Building Inspector as well as the date of the modification.

4.7 OBSTRUCTIONS TO VISION ON CORNER LOTS

No structure, wall, fence, shrubbery, parked vehicle, stored material, or trees shall be placed, erected, planted or maintained on any lot which will obstruct the view of the driver of a vehicle approaching an intersection; excepting that shrubbery and low retaining walls not exceeding three (3) feet in height above the curb level and trees where all branches are not less than eight (8) feet above the street level will be permitted. In the case of corner lots, this shall also mean that there shall be provided an unobstructed triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the pavement edge lines, or in the case of a rounded corner, from the intersection of the street property lines extended.

4.8 FENCE, WALL AND PRIVACY SCREEN REGULATIONS

Fences, walls and privacy screens are permitted subject to the following:

- 4.8.1 The erection, construction or alteration of any fence, wall or privacy screen as defined herein, shall be constructed to meet all relevant codes
- 4.8.2 Fences shall not be taller than four (4) foot in a required front yard nor higher than six (6) foot in a required side or rear yard for parcels located in all single and two family residential districts..
- 4.8.3 Fences with barbed wire and electrical current are only permitted in the I-1 and I-2 Industrial Districts.
- 4.8.4 A four (4) foot fence shall surround all below ground swimming pools.
- 4.8.5 Parcels located in the AG Agricultural District shall be exempt from all fence height and use restrictions except for swimming pools.
- 4.8.6 Required obscuring walls and fences shall be placed inside and adjacent to the lot line except where underground utilities interfere with the placement of the wall or fence at the property line, in which case the fence or wall shall be placed on the utility easement line nearest the property line.
- 4.8.7 The height of the fence or the wall shall be measured from the lowest ground level elevation at a distance from five (5) from each side of the wall or fence.
- 4.8.8 All fences or walls in residentially zoned areas separating properties shall be of either chain link or ornamental type and maintain a completely finished appearance. Only new material or material having the appearance and structural

integrity found to be acceptable to the building inspector shall be used. Fences or walls with a more finished appearance on one side, shall face the exterior of the lot.

- 4.8.9 Fences which enclose school grounds, playgrounds, tennis courts or other public areas may be erected to a height in excess of six (6) feet with the approval of the Zoning Board of Appeals.

4.9 **OFF-STREET PARKING AND LOADING REQUIREMENTS**

In all zoning districts, off-street facilities for the storage and parking of self-propelled motor vehicles for the use of occupants, employees and patrons of all buildings hereafter erected, altered, or extended after the effective date of this Ordinance, shall be provided as herein prescribed.

Whenever the use of a building, structure, or lot is changed, parking facilities shall be provided as required by this Ordinance for the new uses. If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or through other means, additional off-street parking shall be provided for such increase in intensity of use.

4.9.1 **GENERAL REQUIREMENTS.**

In all zoning districts, off-street vehicle parking facilities shall be provided and maintained as herein prescribed:

- A. **Off-Street Parking Spaces for One and Two-Family Dwellings.** Off-street parking facilities required for one and two-family dwellings shall consist of a parking strip, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve. No parking shall be permitted in the required front yard except on a driveway which leads to an approved parking space.
- B. **Off-Street Parking for Multiple-Family and Non-Residential Uses.** Off-street parking facilities required for multiple-family and non-residential uses shall be located on the same lot or parcel as the building or use they are intended to serve, or within three hundred (300) feet of such building or use. Ownership or a use easement, duly recorded with the Village shall be shown for all land areas intended for use as parking by the applicant.
- C. **Existing Parking Facilities.** An area designated as required off-street parking facilities in existence at the effective date of this Ordinance shall not be reduced below the requirements for the use or building served as set forth in this Ordinance.

- D. **Joint Use of Facilities.** Provision of common parking facilities for several uses in the same vicinity is encouraged. In such cases, the total space requirement is the sum of the individual requirements at the same time of day. The maximum joint requirements will be less than the total individual requirements if the peak needs for the uses occur at distinctly different times of the day from the peaks of the other uses.
- E. **Restriction of Parking on Private Property.** It shall be unlawful to park or store any motor vehicle on private property without the express written consent of the owner, holder, occupant, lessee, agent, or trustee of said private property.
- F. Except when land is used as permitted storage space in direct connection with a business, such as a body shop it shall be unlawful to permit the storage of wrecked ,or inoperable, vehicles on any parking area in any district.
- G. **Use of Loading Space.** Required loading spaces shall not be counted or used for required parking.
- H. **Fractional Requirements.** When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one (1) parking space.
- I. **Uses Not Specified.** For those uses not specifically mentioned under this section, the requirements for off-street parking facilities shall be in accord with a use which the Planning Commission considers to be similar in type.
- J. **Parking Exempt Area.** All permitted and special uses shall be exempt from the off-street parking requirements contained herein.

SECTION 4.9.2 TABLE OF OFF-STREET PARKING REQUIREMENTS.

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

Use	Spaces Per Unit of Measure
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1. Residential

- a. Residential, One-Family and Two-Family Dwelling, including mobile homes. Two (2) for each dwelling unit.

- | | |
|---|---|
| b. Residential, Multiple-Family | One (1) for each efficiency unit, one and one-half (1-1/2) for each one (1) bedroom unit, two (2) for each two (2) bedroom unit, and three (3) for three (3) or more bedroom units. |
| c. Residential, Multiple-Family
Senior Citizen Housing | One (1) for each dwelling unit plus one (1) for each employee. |
| d. Boarding, Rooming, Lodging | One (1) parking space for each, and/or occupancy unit plus one (1), parking space for each employee on the largest employment shift. |

2. Institutional

- | | |
|--|--|
| a. Churches, Temples
Synagogues, or mosques | One (1) for each three (3) seats, based on maximum seating capacity in the main unit of worship. |
| b. Hospitals | One (1) for each patient bed, plus one (1) additional space for every worker employed during the eight (8) hours shift in which the greatest number of employees are on duty. |
| c. Foster Care Group Homes,
Homes for the Aged,
Convalescent Homes and
Children Homes | One (1) for each three (3) beds, plus one (1) for each employee on the largest employment shift. |
| d. Elementary and Junior High
Schools | One (1) for each one (1) teacher, employee or administrator, plus one (1) per classroom for visitor use in addition to the requirements for the auditorium, if provided. |
| e. Senior High Schools | One (1) for each teacher, employee or administrator, one (1) for each ten (10) students, and one (1) per classroom for visitor use, in addition to the requirements for the auditorium and stadium, if provided. |
| f. Private Clubs or Lodge Halls | One (1) for each three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes. |

- g. Theaters and Auditoriums One (1) for each three (3) seats plus one (1) for each two (2) employees on the largest employment shift.
- h. Libraries, Museums, Cultural Similar Facilities One (1) for each four hundred (400) Centers or square feet of gross floor area.
- i. Nursery, Day Care, or Child Care Centers One for each three hundred fifty (350) square feet of usable floor space.

3. Recreational

For each use below, additional spaces shall also be provided as required for restaurants, bars, clubhouses, pro shops, or other affiliated facilities.

- a. Archery Facilities One (1) for each two targets.
- b. Softball, Baseball Fields Twenty-five (25) for each playing field.
- c. Bowling Establishments Six (6) for each lane.
- d. Health Clubs One (1) for each two (2) persons who , may be legally admitted at one time based on the occupancy load established by local codes, plus one (1) for each employee on the largest employment shift.
- e. Football and Soccer Fields Thirty (30) for each field.
- f. Golf Course, Public or Private Five (5) for each golf hole, plus one for each employee on the largest employment shift.
- g. Golf Course, Miniature Two (2) for each golf hole, plus one (1) for each employee in the largest employment shift.
- h. Golf Driving Range One (1) for each tee.
- i. Stadium, Sports Arena, or similar place of outdoor assembly One (1) for each three (3) seats or six (6) feet of benches, plus one (1) for each employee on the largest employment shift.

- transaction station.
- f. Establishments for Sale and Consumption of Beverages, Food or Refreshments
One (1) for each fifty (50) square feet of usable floor area.
 - g. Furniture and Appliance, feet of Household Equipment, Repair Shops, Showroom of a Plumber, Decorator, Electrician or Similar Trade, Shoe Repair and Other Similar Uses
One (1) for each eight hundred (800) square usable floor area exclusive of the floor area occupied in processing or manufacturing for which requirements. (see industrial establishments below). One (1) additional space shall be provided for each one (1) person employed therein in the largest employment shift.
 - h. Ice Cream Parlors
One (1) for each seventy-five (75) square feet of gross floor area, with a minimum of eight (8) spaces.
 - i. Laundromats and Coin Operated Dry Cleaners
One (1) for each two (2) washing machines.
 - j. Mortuary Establishments
One (1) for each fifty (50) square feet of assembly room parlor, and slumber room.
 - k. Motel, Hotel or Other Commercial Lodging Establishment
One (1) for each one (1) occupancy unit plus one (1) for each one (1) employee on the largest shift, plus extra spaces for dining rooms, ballrooms, or meeting rooms as required based upon maximum occupancy load.
 - l. Motor Vehicle Sales and Service Establishments, Trailer Sales and Rental, Boat Showrooms
One (1) for each two hundred (200) square feet of usable floor space of sales room and one (1) for each one (1) auto service stall in the service room, plus one space per employee on the largest employment shift.
 - m. Open Air Business
One (1) for each six hundred (600) square feet of lot area used in open air business.
 - n. Restaurant, Carry-Out
One (1) for each one hundred (100) square feet of gross floor area.

- o. Roadside Stands Six (6) for each establishment.
- p. Retail Stores, Except as Otherwise Specified Herein One (1) for each one hundred and fifty (150) square feet of usable floor area.
- q. Shopping Center/Clustered Commercial Four (4) spaces per one thousand (1,000) square feet of gross floor area.

5. Offices

- a. Banks, Savings and Loan Offices One (1) for each one hundred (100) square feet of usable floor area, and four (4) stacking spaces for each drive-in or drive-thru transaction station.
- b. Business Offices or Professional Offices, except as indicated in the following item (c) One (1) for each two hundred (200) square feet of usable floor area.
- c. Medical or Dental Clinics, Professional Offices of Doctors, Dentists, or Similar Professions One (1) for each one hundred (100) square feet of usable floor area in waiting rooms and one (1) for each examining room, dental chair or similar use area.
- d. Offices of local, state or federal government or non-profit agencies. One (1) for each two hundred (200) square feet of usable floor area.

6. Industrial

- a. Industrial or Research Establishments Five (5) plus one (1) for every one (1) employee in the largest working shift. Parking spaces on the site shall be provided for all construction workers during the period of plant construction.
- b. Wholesale or Warehouse Establishments Five (5) plus one (1) for every one (1) employee in the largest working shift, or one (1) for every one thousand seven hundred (1,700) square feet of gross floor area, whichever is greater.

4.9.3 OFF-STREET PARKING FOR PHYSICALLY HANDICAPPED PERSONS.

Off-street parking facilities as required under this Ordinance shall include, in accordance with the following table and identified by signs, parking spaces which are reserved for physically handicapped persons. Signs shall be located approximately six (6) feet above grade. Each reserved parking space shall be not less than thirteen (13) feet wide. Where a curb exists between a parking lot surface and a sidewalk surface, an inclined approach or a curb cut with a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for wheelchair access. Parking spaces for the physically handicapped shall be located as close as possible to walkways and building entrances. Signs shall be provided when necessary indicating the direction to a barrier-free entranceway into a building.

Total Parking Spaces in Lot	<u>Required Number of Handicapped Spaces</u>
<u>Up to 25</u>	<u>1</u>
<u>26 to 50</u>	<u>2</u>
<u>51 to 75</u>	<u>3</u>
<u>76 to 100</u>	<u>4</u>
<u>101 to 150</u>	<u>5</u>
<u>151 to 200</u>	<u>6</u>
<u>201 to 300</u>	<u>7</u>
<u>301 to 400</u>	<u>8</u>
<u>401 to 500</u>	<u>9</u>
<u>501 to 1,000</u>	<u>2% of total</u>
<u>over 1,000</u>	<u>20 plus 1 for each 100 spaces over 1,000</u>

4.9.4 OFF-STREET WAITING AREA AND STACKING SPACES FOR DRIVE-THRU FACILITIES.

- A. On the same premises with every building, structure or part thereof, erected and occupied for the purpose of serving customers in their automobiles by means of a service window or similar arrangement, such as drive-in banks or cleaning establishments, where the automobile engine is not turned off, there shall be

provided four (4) off-street stacking spaces for each service window or transaction station. Eight (8) off-street stacking shall be provided for each drive-thru transaction station of a restaurant.

- B. Self-service motor vehicle car wash establishments shall provide three (3) off-street stacking spaces for each washing stall. Quick oil change facilities and motor vehicle car wash establishments other than self service, shall provide stacking spaces equal in number to three (3) times the maximum capacity of the motor vehicle wash for automobiles awaiting entrance. "Maximum capacity" shall mean the greatest number possible of automobiles undergoing some phase of washing at the same time, which shall be determined by dividing the length of each wash line by twenty (20) feet. A drying lane fifty (50) feet long shall also be provided at the exit of the washing stalls in order to prevent undue amounts of water from collecting on the public street and thereby creating a traffic hazard.
- C. An off-street waiting space is defined as an area ten (10) feet wide by twenty (20) feet long.

4.9.5 OFF-STREET PARKING LOT LAYOUT, CONSTRUCTION, AND MAINTENANCE.

All off-street parking lots shall be laid out, constructed, and maintained in accordance with the following requirements:

- A. **Review and Approval Requirements.** In the event that new off-street parking is proposed as part of a development requiring site plan review, said proposed parking shall be shown on the site plan submitted to the Planning Commission for review. In the event that proposed off-street parking is not part of a development requiring site plan review, the applicant shall submit a parking plan to the Planning Commission for review and approval.

Plans shall be prepared at a scale of not less than fifty (50) feet equal to one (1) inch. Plans shall indicate the location of the proposed parking in relation to other uses on the site and on adjoining sites, the proposed means of ingress and egress, the number and dimensions of parking spaces, and the method of surfacing. Existing and proposed grades, drainage, water mains and sewers, surfacing and base materials, and the proposed parking layout shall also be shown.

Upon completion of construction, the parking lot must be inspected and approved by the Building Inspector before a Certificate of Occupancy can be issued for the parking lot and for the building or use the parking is intended to serve.

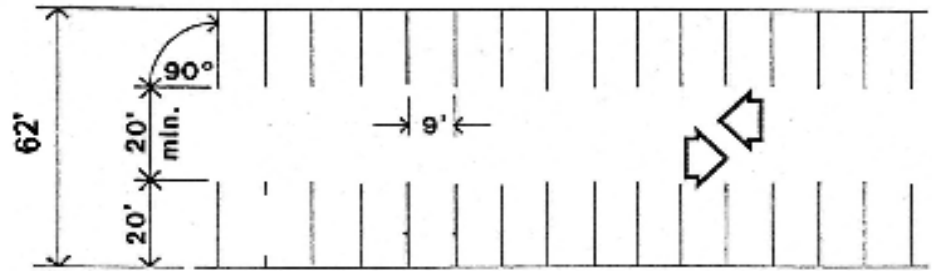
- B. **Layout Requirements.** Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

<u>Parking Patterns</u>	<u>Lane Width</u>	<u>Parking Space Width</u>	<u>Parking Space Length</u>	<u>Total width of one tier of stalls and maneuvering lane</u>	<u>Total width of two tiers of stalls and maneuvering lane</u>
<u>0°(Parallel Parking)</u>	<u>12 ft.</u>	<u>8 ft.</u>	<u>23 ft.</u>	<u>20 ft. (one way)</u> <u>32 ft. (two way)</u>	<u>28 ft. (one way)</u> <u>40 ft. (two way)</u>
<u>30° to 53°</u>	<u>12 ft.</u>	<u>8 ft.</u>	<u>20 ft.</u>	<u>32 ft.</u>	<u>52 ft.</u>
<u>54° to 74°</u>	<u>15 ft.</u>	<u>8 ft.</u>	<u>20 ft.</u>	<u>36 ft.</u>	<u>55 ft.</u>
<u>75° to 90°</u>	<u>20 ft.</u>	<u>9 ft.</u>	<u>20 ft.</u>	<u>40 ft.</u>	<u>60 ft.</u>

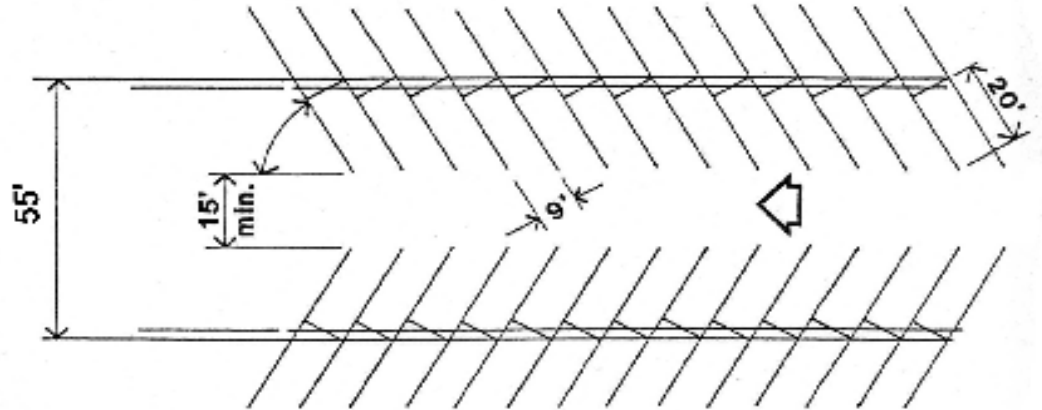
- C. **Access.** All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street or alley shall be prohibited.
- D. **Ingress and Egress.** Adequate ingress and egress to the parking lot shall be provided by means of clearly defined and limited drives. No entrance or exit from any parking lot in a non-residential district or from a non-residential use shall be nearer than twenty (20) feet to any residentially zoned district.
- E. **Paving.** All parking lots shall have a hard surface unless waived by the Village Council
- F. **Bumper Stops.** Bumper stops or curbing shall be provided so as to prevent any vehicle from projecting beyond the parking lot area or bumping any wall or fence or encroaching upon landscaping.
- In all cases where parking lots abut public or private sidewalks, continuous concrete curbing or bumper stops, at least six (6) inches high, shall be placed so that a motor vehicle cannot be driven or parked on any part of the sidewalk. In all cases where necessary for the protection of the public and the adjoining properties, streets or sidewalks, curbs as described above, shall be installed.
- G. **Striping.** All spaces shall be outlined with three (3) inch stripes of paint, the color of which contrasts with the parking lot surface.
- H. **Screening.** All off-street parking areas, except those serving single and two-family residences, shall be screened.
- I. **Parking Setbacks.** All parking setbacks as required elsewhere by this Ordinance shall be maintained.
- J. **Landscaping.** Where yard setbacks are required, all land between the required walls

- and the property lines, and other unpaved areas which are designed to break up the expanse of paving, shall be kept free from refuse and debris and shall be landscaped with lawns, deciduous shrubs, evergreen plant material, and ornamental trees. All such landscaping shall be maintained in a healthy growing condition, neat and orderly in appearance.
- K. **Lighting.** All lighting used to illuminate any off-street area shall not exceed twenty (20) feet in height above the parking surface grade and shall be directed or shielded so as not to shine onto any adjacent properties or public right-of-ways.
- L. **Signs.** Accessory directional signs shall be permitted in parking areas in accordance with sign regulations contained herein.
- M. **Buildings.** No building or structure shall be permitted on an off-street parking lot, except for a maintenance building or attendant shelter, which shall not be more than fifty (50) square feet in area and not more than fifteen (15) feet in height.
- N. **Additional Requirements.** In addition to the above requirements, parking areas shall comply with additional requirements or conditions which may be deemed as necessary by the Planning Commission for the protections of abutting properties in a residential district.
- O. **Delay in Construction.** In instances where the Zoning Board of Appeals determines that weather conditions prohibit parking lot construction, the construction may be temporarily waived, pending suitable weather, but the Zoning Board of Appeals shall require a cash or surety bond in the anticipated amount of the parking lot construction costs.

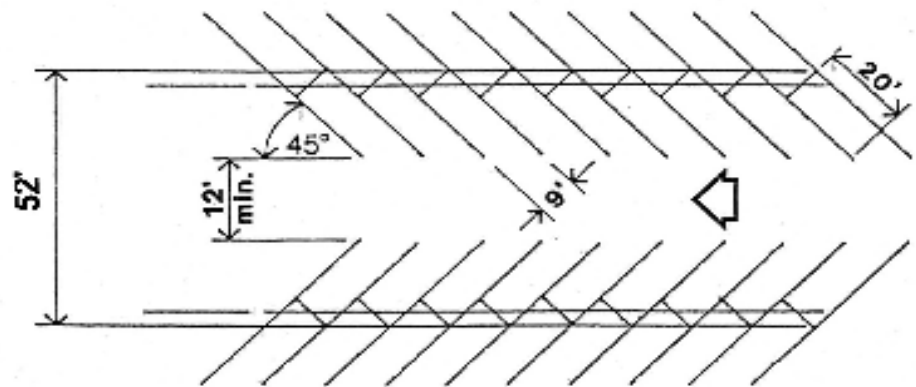
75 to 90
degree



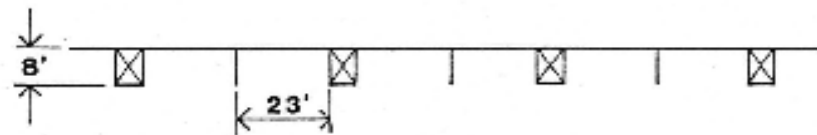
54 to 74
degree



30 to 53
degree



parallel



PARKING LAYOUTS

4.9.6 OFF-STREET LOADING SPACE REQUIREMENTS.

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, including department stores, wholesale stores, markets, hotels, hospitals, mortuaries, laundries, and dry cleaning establishments, there shall be provided and maintained on the lot, adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way and vehicular circulation on the site. Such spaces shall be provided as follows:

Gross Floor Area (In Square Feet)	Loading and Unloading Spaces	
	10'x 25' space	10'x 50' space
0 - 1,999	NA	NA
2,000 - 4,999	1	NA
5,000 - 19,999	NA	1
20,000 - 49,999	NA	2
50,000 - 79,999	NA	3
80,000 - 99,999	NA	4
100,000 - 149,999	NA	5
150,000 and over	NA	5*

*One additional space for each fifty thousand (50,000) square feet of floor area in excess of one hundred fifty thousand (150,000) square feet.

- A. All loading spaces shall be located in the non-required rear yard and meet all minimum yard setback requirements for the district in which it is located in accordance with this Ordinance.
- B. Loading space areas shall be provided with a pavement having an asphaltic or Portland cement binder so as to provide a permanent, durable and dustless surface.
- C. All loading spaces shall have a minimum of fourteen (14) foot high clearance.
- D. Loading areas shall not utilize any required area for maneuvering to parking spaces or block general vehicular circulation.
- E. No loading space shall be located closer than one hundred (100) feet from any

residentially zoned district unless located within a completely enclosed building or enclosed on all sides facing a residential zoning district by a solid masonry wall not less than six (6) feet in height.

- F. Central loading facilities may be substituted for individual loading spaces serving businesses on separate lots provided that all of the following conditions are fulfilled:
1. Each business served shall have direct access to the central loading area without crossing streets or alleys.
 2. Total loading space provided shall meet the minimum requirements specified herein, computed on the basis of total floor area of all businesses served by the central loading space.
 3. No building served shall be more than 500 feet from the central loading area.
- G. The storage of merchandise, sale of motor vehicles, storage of inoperable vehicles, or repair of vehicles is prohibited in required loading space.

4.10 STORAGE OF OBNOXIOUS MATTER IN OPEN CONTAINERS PROHIBITED

No garbage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground; and all containers shall be stored in such a way so as not to be accessible to animals.

4.11 SOIL EXCAVATION OR FILLING

4.11.1 The deposit or burying of any man made materials such as scrap iron, appliances, tires, and other “junk” as defined in this Ordinance anywhere in the Village of Lawton which is not biodegradable is expressly prohibited. The burying of “garbage” as defined in this Ordinance when deemed to be biodegradable (such as plant and animal wastes) shall be permitted when conducted in accordance with County, State, and Federal laws. Materials such as sand, clay, muck, asphalt, concrete, gravel may not be dumped without expressed permission from the Village Council.

4.11.2 This regulation shall not prohibit the normal removal or filling of soil for the construction of an approved building or structure when such plans have been approved by the Village.

4.12 KEEPING OF FARM ANIMALS AND OTHER ANIMALS

The keeping, raising, or breeding of animals, poultry or livestock, including farm animals and non-domestic animals shall be permitted in the AG District. The keeping of animals in other districts shall be in accordance with Section 91.01 of the Village Code of Ordinances.

4.13 SWIMMING POOL REGULATIONS

4.13.1 **Permit Application.** It shall be unlawful for any person to construct or maintain an outdoor swimming pool without first making application to the Building Inspector and obtaining a permit thereof. Application for such permit shall show the name of the owner, a plot plan of the property showing the location of such swimming pool, a detailed plan and specifications for such swimming pool, and full information as to the type, height and location of the fence surrounding such swimming pool and the number of gates therein.

4.13.2 **Location.** Outdoor swimming pools may be erected in the side or rear yard only, provided that they are located no closer than ten (10) feet from the side or rear lot lines. No such pool or part thereof shall be installed within ten (10) feet. There shall be a distance of not less than four (4) feet between the outside pool wall and any building located on the same lot. The pool shall have a minimum setback of thirty-five (35) feet from any front lot line.

4.13.3 **Fencing.** All below ground swimming pools shall be completely enclosed by a fence not less than four (4) feet in height. Above ground pools shall have locking gates, removable ladders, or a fence not less than four (4) feet in height to restrict unauthorized access.

4.13.4 **State Regulations.** All requirements not contained herein shall be in accordance with regulations of the State of Michigan.

4.14 TEMPORARY AND PORTABLE BUILDINGS, USES, & STRUCTURES

The office and storage trailers of building contractors used in association with the construction of a legally permitted use shall be permitted in all districts. Said office or storage trailer shall be setback at least ten (10) feet from all property lines and be removed within fifteen (15) days after the certificate of occupancy has been granted for the building under construction on the property.

Other conditions as may be reasonably applied by the Planning Commission to appropriately assure the compliance with the provisions of this Ordinance.

4.15 BUILDING PERMITS ISSUED PRIOR TO EFFECTIVE DATE

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been entered into pursuant to a zoning permit issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and applications on which said building permit was granted.

A building which is lawfully under construction at the time of adoption of this Ordinance shall be allowed to be completed within one (1) year of the passage of this Ordinance. Adoption of this Ordinance shall not require any changes to the plans, construction or designated use of any such buildings.

4.16 RESTORATION OF UNSAFE BUILDINGS

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Inspector or required compliance with his or her lawful order. Furthermore, upon the determination of the Building Inspector and official notification thereof to the property owner, the Village Council may order the demolition and removal of any designated unsafe building. In addition, the cost of said removal shall be borne by the property owner. If the property owner fails to pay for the cost of the removal within sixty (60) days of the date the building was removed, the Village may either place a lien on the property or place the cost of said removal on the next available tax bill as a special assessment against the property.

4.17 MOVING OF BUILDINGS

Any building or structure (*except agricultural buildings*) that has been wholly or partially erected on any premises located within the Village shall not be moved to and be placed upon any other premises in the Village until a permit for such removal has been secured according to the requirements of this Ordinance. Any such building or structure shall fully conform to this Ordinance in the same manner as a new building or structure.

Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect the same and determine if it is in a safe condition to be moved, whether or not it may be reconditioned to comply with the Building Code and other requirements for the use and occupancy for which it is to be used, and whether or not it will be of similar character with the buildings in the area where it is to be moved. In addition, clearances shall be obtained from all utility companies ensuring that utilities are discontinued and all facilities accounted for. Special inspection fees as determined by the Village may be charged to cover costs of inspecting the old site and the new site of such building or structure. This may include a deposit held in escrow which may be forfeited if the final inspection determines that damages have occurred. If these conditions can be complied with, a permit shall be issued for the moving of such a building or structure.

4.18 EXCEPTIONS TO AREA AND WIDTH REQUIREMENTS

4.18.1 **Recorded Lots.** Lots established by a legally recorded plat or deed prior to the adoption of this Ordinance which have less than the minimum area or width requirements established by this Section, may nevertheless be used for any use permitted within the district in which such lot is located. In addition, lots established by a recorded plat or deed subsequent to the adoption of this Ordinance and which met the requirements of said Ordinance, but as a result of amendments thereto, can no longer meet the minimum area or width requirements, may nevertheless be used for any use permitted within the district in which such lot is located.

4.18.2 The use of more than one (1) lot in common ownership where the lots do not comply with sixty percent (60%) of the minimum requirements for frontage and area of this Ordinance, the Board of Zoning Appeals shall use the context or character of the immediate neighborhood to determine the placement of the building(s) on the lots.

4.18 NUMBER OF BUILDINGS ON A LOT

Every building hereinafter erected or structurally altered shall be located on a lot and there shall be not more than one (1) main building on one (1) lot unless otherwise allowed in this Ordinance. Exceptions to the aforementioned requirement include dwellings permitted as a result of a Planned Unit Development (PUD) open space project, or site condominium project.

4.19 ILLEGAL DWELLINGS

The use of any portion of the basement of a partially completed building, any garage, or accessory building for dwelling or sleeping purposes in any zoning district is prohibited. No dwelling unit shall be erected in an industrial district. However, the sleeping quarters of a watchman or a caretaker may be permitted in an industrial district in conformity with the specific requirements of the particular district.

4.20 OTHER PROJECTIONS INTO YARDS

4.21.1 **Cornice, Sill, Chimney, or Fireplace.** A cornice, eave belt course, sill, canopy, or other similar architectural feature (not including bay windows or other vertical projections which shall be a part of the main building), may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty-six (36) inches. Chimneys or fireplaces may project into a required front, side, or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than five (5) feet.

4.21.2 **Open Stairway or Balcony** An open, unenclosed stairway or balcony, not covered by a roof or canopy may extend or project into a required yard not more

than six (6) feet and such balcony may extend into a required front yard not more than six (6) feet.

- 4.21.3 An unenclosed platform or landing which does not extend or project into any required front, side, or rear yard not more than eight (8) feet is exempted from yard requirements provided that the width of a side yard is not reduced to less than five (5) feet. An overhang, canopy, or portico may be placed over the open porch, but it shall not be enclosed.

4.22 ACCESS THROUGH YARDS

Access drives may be placed in the required front or side yards so as to provide access to a rear yard. Furthermore, any walk, terrace, or other pavement serving a like function shall be permitted in any required yard.

4.23 ACCESSORY BUILDINGS AND STRUCTURES

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations.

- 4.23.1 Where an accessory building is structurally attached to a main building, it shall be subject to, and must comply with all of the regulations of this Ordinance applicable to the main building.
- 4.23.2 Accessory buildings shall not be erected in any required yard except a rear yard.
- 4.23.3 No detached accessory building shall be closer than ten (10) feet to any main building nor shall it be closer than five (5) feet to any side or rear lot line in the R-1 and R-2 Districts.
- 4.23.4 No detached building in the R-1, R-2, R-3, RT, RM-1, OS-1, B-1, and P-1 Districts shall exceed one (1) story or fourteen (14) feet in height. Accessory buildings in all other districts may be constructed to equal the permitted maximum height of the structures in the respective districts, subject to the Zoning Board of Appeals review and approval.
- 4.23.5 When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line to its rear, said building shall not project beyond the front yard setback line required on the lot in the rear of the corner lot. In no instance shall an accessory building be located closer than ten (10) feet to a street ROW line.
- 4.23.6 When an accessory building in any residential, business or office zoning district is intended for other than storage of private motor vehicles or material clearly

relating to the uses in the district, the accessory use shall be subject to the review and approval of the Zoning Board of Appeals.

4.23.7 The parking of a travel trailer, motor home or camper when in use or occupied on a lot occupied by a principal dwelling shall be in accordance with Section 70.03 of the Village Code of Ordinances.

4.23.8 The open storage of any recreational vehicle such as a truck camper body, snowmobiles, boats, motor homes, camper trailers, boat trailers, utility trailers etc., shall only be located in the rear yard.

4.23.9 In platted areas the floor area of the accessory building shall not exceed eighty percent (80 %) of the principal building, unless granted a variance by the Zoning Board of Appeals.

4.23.10 Temporary accessory structures such as tents and canopies, in addition to existing, permanent accessory buildings and structures may be permitted for a period of thirty (30) days, unless granted an extension by the Zoning Board of Appeals.

4.24 **ADULT REGULATED USES AND SEXUALLY ORIENTED BUSINESSES**

In the preparation, enactment, and enforcement of this section, it is recognized that there are some uses relating to sexual material which, because of their very nature have serious operational characteristics that have a deleterious effect upon residential, office, and commercial areas. Because certain forms of expression relating to sexual material have particular functional and inherent characteristics with a high potential of being injurious to surrounding properties by depreciating the quality and value of such property, it is the intent of this section to provide a framework of reasonable regulatory standards which can be used for approving or disapproving the establishment of this type of use in a viable and accessible location, where the adverse impact of their operations may be minimized.

However, it is recognized that these specified controlled uses have legitimate rights under the United States Constitution as well as locational needs similar to many other retail establishments. Special designation and regulation in the I Industrial District is therefore necessary to ensure that adverse effects of such uses will not contribute to the degradation of adjacent parcels and the surrounding area. Furthermore, these controls are intended to provide commercially viable locations within the Village where these uses are considered more compatible and less deleterious.

4.24.1 **Uses Specified.** Uses subject to these controls as defined herein as “adult only businesses” are as follows:

- 1 Adult related businesses
- 2 Adult motion picture theaters
3. Adult book and video stores
4. Adult cabarets
5. Nude artist and photography studios

4.24.1 Site Location Principles.

The following principles shall be utilized to evaluate the proposed location of any such use. These principles shall be applied by the Planning Commission and Village Council as general guidelines to help assess the impact of such a use upon the district in which it is proposed:

- A. No adult only business shall be located within one-thousand (1000) feet, measured from the outer most boundaries of the lot or parcel upon which the proposed adult use will be situated, of a: residential zoning district, church, monastery, temple, mosque or similar place of worship, cemetery, school, library, public park or playground, non-commercial assembly facility, public office building, licensed day care facility as defined in Act 116 of the Public Acts of 1973, as amended (MCLA 722.111 et seq.), or arcade.
- B. An adult only business shall be located as a *special use* in the I Industrial District.

4.24.2 Site Development Requirements.

- A. The site layout, setbacks, structures, function, and overall appearance shall be compatible with adjacent uses and structures.
- B. Windows, displays, signs, and decorative structural elements of buildings shall not include or convey examples of a sexual nature. All such displays and signs shall be in conformance with this Ordinance and shall be approved by the Village Council prior to their use.
- C. All building entries, windows, and other such openings shall be located, covered, or screened in such a manner as to prevent viewing into the interior from any public or semi-public area as determined by the Village.

- D. No loud speakers or sound equipment shall be used by an adult only business that projects sound outside of the adult only business so that sound can be discerned by the public from public or semi-public areas.
- E. An adult only business shall clearly post at the entrance to the business, or that portion of the business utilized for adult only purposes, that minors are excluded.

4.24.3 Use Regulations.

- A. No person shall reside in or permit a person to reside in the premises of an adult only business.
- B. No person shall operate an adult only business unless there is conspicuously placed in a room where such business is carried on, a notice indicating the process for all services performed therein. No person operating or working at such a place of business shall solicit or accept any fees except those indicated on any such notice.
- C. The owners, operators, or persons in charge of an adult only business shall not allow entrance into such building or any portion of a building used for such use, to any minors as defined by MCL 722.51 et seq., as amended.
- D. No adult only business shall possess or disseminate or permit persons therein to possess or disseminate on the premises any obscene materials as defined by MCL 752.361 et seq., as amended.
- E. No person shall operate an adult personal service business without obtaining a current zoning and building occupancy permit.
- F. No person shall lease or sublease, nor shall anyone become the lessee or sub-lessee of any property for the purpose of using said property for an adult entertainment business without the express written permission of the owner of the property for such use and only upon having obtained the appropriate licenses and permits from the Village of Lawton, County of Van Buren, and State of Michigan.

4.24.4 Conditions and Limitations.

Prior to the granting of any permit herein provided, the Planning Commission or Village Council may impose any such reasonable conditions or limitations upon the location, construction, maintenance or operation of the establishment or regulated use, as may in its judgment, be necessary for the protection of the public interest. Failure to follow such limitation or condition will act to immediately terminate any permit issued.

4.24.5 Limit on Re-application.

No application for an adult use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of the order of denial, except on the grounds of new evidence not previously considered or proof of a change in conditions from the original request.

4.25 SITE CONDOMINIUM DEVELOPMENT STANDARDS

4.25.1 Purpose and Scope.

- A. Site condominium projects are condominium developments in which each condominium unit consists of an area of vacant land and a volume of vacant air space within which a building or other improvements may be constructed by the condominium unit owner. Each site condominium unit may also have an appurtenant limited common element reserved for the exclusive use of the owner of the condominium unit. Either the condominium unit by itself, or the condominium unit taken together with any contiguous, appurtenant common element, shall be considered to constitute a building site which is the functional equivalent of a “lot” for the purpose of this Ordinance and other applicable laws, ordinances, and regulations.

Site condominium projects may also include general common elements consisting of common open space, recreational areas, streets, and other areas available for use by all owners of condominium units within the project. Subject to the district zoning provisions applicable to the project’s location, any land use permitted by the Village of Lawton Zoning Ordinance may be permitted in a site condominium project.

- B. The purpose of this Section is to ensure that the plans for developments within the Village of Lawton proposed under the provisions of the Condominium Act, Act 59 of the Public Acts of 1978, as amended shall be reviewed with the objective and intent of achieving the same characteristics as if the development and improvements therein were being proposed

pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended. It is further the intent of this Section to ensure that such development is in conformance with the requirements of this Ordinance, other applicable Village ordinances and state and federal regulations.

4.25.2 Site Condominium Review and Approval Procedures (Step I Review).

Application for review and approval of a site condominium subdivision shall be in accordance with the following procedures:

- A. Prior to the formal application for a site condominium development, the developer shall meet with the Public Works Director and the Planning Commission. The purpose of these meetings is to inform the Planning Commission of the applicant's intent to initiate a site condominium project. On or before this meeting, the applicant shall submit the following to the Village for distribution to all Planning Commission members.
 - 1. A sketch drawn to scale, indicating the general location and configuration of the property to be developed; the alignment of streets and building sites; and the relationship of the proposed project to adjacent streets and neighboring properties.
 - 2. A statement regarding the provision of sewer service and water supply.

- B. During the preliminary discussion meeting, the Planning Commission based on the information available to it, shall inform the applicant of the following:
 - 1. General requirements of this Section and other applicable provisions of this Ordinance.
 - 2. Planned or anticipated sites of parks and recreation areas and other public uses.
 - 3. Utility system capabilities.
 - 4. Planned or anticipated public improvements, including streets, utility extensions, and the like.
 - 5. Street plans and potential problems relative to the natural features of the area, including, but not limited to floodplains, soil conditions, topography, and groundwater tables.

6. Additional information which will assist the applicant in proceeding in a reasonable and sound manner toward the final approval of the site condominium project.
- C. This review is intended for information purposes only and does not constitute binding commitments on the part of the Village. Neither do they imply tentative approval of any proposed site condominium project. Furthermore, such discussions shall not carry the authority to proceed with construction or to sell or transfer property.
- D. Following preliminary review, the applicant shall submit the site condominium subdivision plans to the following agencies for their approval:
 1. Michigan Department of Natural Resources and Environment
 2. Van Buren County Drain Commissioner
- E. Other appropriate state and county review and enforcement agencies having direct approval or permitting authority over all or part of the project's construction phases.

4.25.3 Site Condominium Review and Approval Procedures (Step II Review).

An application for preliminary review of a site condominium subdivision project shall be made to the Village along with the appropriate fees as required by the Village. The application shall, at a minimum, contain the following information:

- A. Application for certificate of zoning compliance, which upon issuance, shall ensure that the project, as proposed, is capable of being developed in conformity with the standards and regulations applicable to the zoning district in which the project is located, subject to the customary procedures applicable to Village approvals of individual uses on individual building sites.
- B. The applicant's name, address, and phone number.
- C. Proof that the applicant is the owner of the property or has the legal or financial interest in the property such as a purchase agreement.

- D. The name, address, and phone number of the owner(s) of record, if different from that of the applicant.
- E. The legal description, address and tax parcel number of the property.
- F. Project description, including number of structures, dwelling units, square feet of building sites, open spaces, and estimated inhabitants, phasing, etc.
- G. Gross and net size of the parcel in acres.
- H. Written comments and/or approvals from the above list of agencies resulting from their review of the site condominium subdivision plans, as applicable.
- I. A copy of the proposed deed restrictions or covenants for the site condominium subdivision.
- J. A copy of any preliminary agreements which may be required before final plan approval is granted.
- K. A copy of the proposed master deed of the project and the supportive information which is intended to be recorded with the County Register of Deeds as required by state law.
- L. The applicant shall provide at least ten (10) copies of the preliminary site condominium project plan and additional copies if deemed necessary by the Village. The plans at the time of their submittal shall contain the information required for preliminary site condominium plan as required by this Ordinance.
- M. The application and plans shall be submitted at least thirty (30) days before the next regularly scheduled meeting of the Planning Commission.
- N. Upon receipt of the preliminary site condominium project plans, the Village shall forward one copy to each member of the Planning Commission, for consideration at the next regularly scheduled meeting of the Planning Commission.

- O. The Village shall notify by mail, all the members of the Planning Commission, that a meeting will take place at a specified time concerning the property proposed for the site condominium project. At this or a subsequent meeting, a public hearing shall be held. Notice of said hearing shall be given at least fifteen (15) days prior to the hearing by one (1) publication in a newspaper of general circulation in the Village and by notice by mail to each public utility company within the geographical sections or divisions of the Village affected by the proposed development. Notices of said hearing shall also be sent, not less than fifteen (15) days prior to the date fixed therefore, by mail to the applicant and to all owners within three hundred (300) feet of the subject property. The Village shall also give such notice of the meeting as required by the Open Meetings Act. In reviewing the preliminary plan, the Planning Commission shall give particular attention to all information required to accompany the submission, in particular the deed restrictions and covenants, in order to determine that they are adequate to ensure ultimate completion of the project in accordance to the proposed project plan. If the preliminary plan meets the requirements of this Ordinance and all other applicable local, state, county, and federal regulations, the Planning Commission shall grant it preliminary approval. If the plan does not meet the requirements of this Ordinance, the Planning Commission shall:
- i. Recommend denial of the preliminary plan, setting forth the reasons in writing, or
 - ii. Recommend granting of preliminary plan approval contingent upon completion of the revisions as noted.

4.25.4 Setbacks and Boundaries. The set back requirements for condominium buildings shall be determined as follows:

A. Single Family Units.

The front yard setback shall be one-half (1/2) the approved or recorded street right of way, plus the current setback for the existing zoning district. (Example: 50% of a sixty-six (66) ROW [33'] plus a thirty-five (35) foot front yard equals eighty-eight (88) feet for the front yard setback.)

- i. The side yard setbacks shall be twice the minimum required within the zoning district. The distance from the unit to the limit of development shall meet the minimum required side yard setback within the zoning district.
- ii. The rear yard setback between the rear of two (2) units shall be twice

the minimum rear yard setback of the zoning district. The distance from the rear of the unit to the limits of the development shall meet the minimum rear yard setback of the zoning district.

iii. Multiple family units shall meet the standards of the RM Multiple Residential District.

B. The relocation of boundaries as defined in Section 148 of the Michigan Condominium Act, shall conform to all setback requirements of this Section, of the district in which the project is located, shall be submitted to the Planning Commission for review and approval, and these requirements shall be made a part of the by-laws and recorded as part of the master deed.

4.25.5 Common Elements.

After construction of a condominium unit, the undeveloped area of a unit shall become a common element.

4.25.6 Encroachment.

A condominium project shall not be constructed in a manner that intentionally creates an encroachment.

4.25.7 Subdivision of Unit Sites.

Subdivision of condominium unit sites is permitted following Planning Commission review and approval, contingent upon the submission of an amended master deed to determine the effect of the subdivision on the conditions of zoning or development plan approval, and shall be made as part of the by-laws and recorded as part of the master deed.

4.25.8 Conformance with Subdivision Regulations.

All condominium project plans shall conform to the plan preparation requirements, design layout, and improvements standards as established within this Ordinance.

4.25.9 Water and Waste Water.

The condominium project, larger than eight (8) units, shall comply with and meet all federal, state, county, and village standards for a fresh water system and waste water disposal.

4.25.10 Expansion and Conversion.

Prior to expansion or conversion of a condominium project to additional land and new phases, it must be reviewed and approved by the Planning Commission.

4.25.11 Master Deed.

The project developer shall furnish the Village with one (1) copy of the proposed consolidated master deed, one (1) copy of the by-laws, and two (2) copies of the proposed plans. The proposed plans shall be reviewed for compliance with this Ordinance to ensure that an assessment mechanism has been included to guarantee adequate maintenance of common elements.

4.25.12 As-Built Plans and Occupancy.

Submission of an as-built plan of a condominium unit is required prior to occupancy. The Building Inspector may allow occupancy of the project before all improvements required are installed provided that an escrow is submitted to the Village, sufficient in amount and type to provide for the installation of improvements before the expiration of the temporary occupancy permit without expense to the Village. The amount and form of the escrow shall be determined by the Village Council.

4.25.13 Final By-Laws, Consolidated Master Deed, and Site Plan.

Upon approval of the development, the applicant shall furnish the Village a copy of the by-laws and consolidated master deed. The development plan shall be provided on a mylar sheet of at least twenty-four (24) inches by thirty-six (36) inches.

4.25.14 Compliance with other Statutes and Ordinances.

All condominium projects shall comply with pertinent federal, state, and local laws, statutes, and ordinances.

4.26 LANDSCAPING STANDARDS

4.26.1 The standards set forth in this Section are intended to preserve quality mature trees, screen headlights to reduce glare, help promote compatibility between land uses, assist in directing safe and efficient traffic flows at driveways, and minimize the negative impacts of storm water runoff.

While considered the minimum necessary to achieve the goal of promoting safe and aesthetic environments, in certain instances, they are intentionally flexible to encourage creative design. Applicants are encouraged to provide landscaping beyond these minimum requirements to improve the function, appearance and the value of their property.

A landscaping plan is required for all developments subject to the site plan review provisions of this ordinance. The plan may be submitted separately or as part of the site plan, just as long as information on planting details and specifications, including planting technique, material installation, mulch and material depth is clear.

- 4.26.2 Landscaping Requirements. For development proposed in the RM-1 District, twenty-five per cent (25%) of the site shall be in landscaped open space. The open space shall be landscaped with one (1) evergreen or shrub for every one thousand (1000) square feet or portion thereof, plus one (1) small or large deciduous tree for every two thousand (2000) square feet or portion thereof. (Plant materials existing on the site prior to development may be included as part of the requirement. Ground cover or lawn is required in all landscaped areas. (See Table 1 for a listing of appropriate uses of plant materials.)
- 4.26.3 For nonresidential permitted uses and uses subject to a special use permit in the R-1, R-2, R-3, RT, and RM-1 Districts, thirty percent (30%) of the site under development shall be in landscaped open space. The open space shall be landscaped with one (1) evergreen tree or shrub for every one thousand (1000) feet or portion thereof, plus one (1) small or large deciduous tree for every fifteen hundred (1500) square feet or portion thereof. (Plant materials existing on the site at the time the site plan is approved may be included as part of the requirement.) Twenty-five percent (25%) of the required open space shall be between the roadway and the building. Buildings on corner lots shall have forty percent (40%) of the required landscaping between the building and the street. (See Table 1 for appropriate uses of plant materials.)
- 4.26.4 For permitted uses and uses subject to a special use permit in the OS-1, B-2, I-1, and I-2 Districts, fifteen percent (15%) of the site shall be in landscaped open space with one (1) evergreen or shrub for every one thousand (1000) square feet or portion thereof plus one (1) small or large deciduous tree for every two thousand (2000) square feet or portion thereof. (Plant materials existing on the site at the time the site plan is approved may be counted as part of the requirement.) Thirty percent (30%) of the required open space shall be between the roadway and the building. Buildings on corner lots shall have sixty percent (60%) of the required open space between the building and the roadway. Whenever feasible, a portion of the landscaping shall be placed adjacent to the building(s).

4.26.5 All landscaped areas shall meet the following standards.

- A. Plant material quality. Plant materials permitted in required landscaped areas shall be hardy to the Michigan climate, long-lived, resistant to disease and insect attack, and shall have orderly growth characteristics.
- B. Trees, shrubs and other plant materials shall be of the following minimum sizes.
 - i. Deciduous trees: Two and one half (2 1/2) inch caliper measured at fifty-six (56) inches above grade.
 - ii. Evergreen trees: Six (6) feet in height with a minimum spread of three (3) feet.
 - iii. Deciduous ornamental trees: One (1) inch caliper measured at breast height.
 - iv. Shrubs: Minimum of twenty-four (24) inches in height above planting grade.
 - v. Hedges: Planted in a manner so as to form a continuous unbroken visual screen within two (2) growing seasons
 - vi. Ground cover: Planted in such a manner as to present a finished appearance and complete coverage within two (2) growing seasons, i.e. at least three (3) plants per square foot.
 - vii. Mulch material: Minimum of four (4) inches deep for planted trees, shrubs, and vines and shall be installed in a manner so as to present a finished appearance.
 - viii. Grass: Planted in species normally grown as permanent lawns in southwest Michigan. Grass, sod, and seed shall be free of weeds and disease.
 - ix. Whenever possible, use of species native to Michigan is required.
 - x. Berms, whenever utilized, shall be designed and landscaped to minimize erosion. Berms adjacent to a public right-of-way shall have a slope no greater than 3:1, unless designed as part of a retaining wall.

**Table 1
Major Plant Types and Their Appropriate Uses**

Village of Lawton

	Adjacent to Walkways	Adjacent to Buildings	Parking Areas	Service Areas	Front Yard Greenbelt	Landscape Buffer	Site Landscaping	Retention areas	Specimen Plantings	Steep Slopes
Evergreens:										
Fir		X		X	X	X	X			
Spruce		X		X	X	X	X			
Pine										
Hemlock		X				X	X	X		
Douglas Fir		X				X	X		X	
Narrow Evergreen Trees:										
Red Cedar		X				X	X	X		
Arborvitae		X		X		X	X			
Juniper (selected varieties)		X		X	X	X	X			
Large Deciduous Trees:										
Oak		X			X	X	X	X		
Maple	X	X	X	X	X	X	X	X		
Beech		X			X		X			
Linden	X	X	X	X	X		X			
Ash	X	X	X	X	X	X	X	X		
Ginko (male only)	X	X			X	X	X		X	
Honeylocust (seedless, thornless)		X	X	X	X	X		X		
Birch		X			X					
Sycamore	X	X	X	X	X					

Table 1
Major Plant Types and Their Appropriate Uses

Village of Lawton

	Adjacent to Walkways	Adjacent to Buildings	Parking Areas	Service Areas	Front Yard Greenbelt	Landscape Buffer	Site Landscaping	Retention areas	Specimen Plantings	Steep Slopes
Small Deciduous Trees (ornamental):										
Flowering Dogwood (disease resistant)	X	X					X		X	
Flowering Cherry, Plum, Pear		X			X		X		X	
Hawthorne (thornless)	X	X			X		X		X	
Redbud	X	X			X		X	X		
Magnolia		X			X		X		X	
Flowering Crabapple		X			X		X	X		
Mountain Ash		X			X		X		X	
Hornbeam		X			X		X			
Russian Olive		X				X		X		X
Large Evergreen Shrubs:										
Irish Yew		X				X	X			
Hicks Yew		X				X	X			
Upright Yew		X				X	X			
Spreading Yew		X				X	X			X
Pfitzer Juniper		X				X	X			X
Savin Juniper		X				X	X			
Mugho Pine		X			X	X	X		X	

- xi. Unless otherwise specified, materials such as river rock, cobble, boulders, paving stone, bark and wood chips and other similar materials, shall be limited to small areas and shall not exceed twenty-five percent (25%) of the required landscape area. All such materials shall be at least six (6) inches deep.

4.26.6 Greenbelt Requirements. Whenever a greenbelt is required by this Ordinance or by either the Village Planning Commission or Village Council, there shall be a minimum of one (1) deciduous or evergreen tree and four (4) shrubs per lineal thirty (30) feet of the greenbelt. The location of the trees and shrubbery shall be varied as to provide a natural and sustainable buffer.

4.26.7 Unless otherwise approved by the Village, required landscaping shall be planted in the spring or autumn immediately following the approval of the landscaping plan, whichever comes first. Landscaping shall be installed in a sound manner according to generally accepted planting procedures with the quality of the plant materials described in this Section and shall be protected from vehicular encroachment and snow removal.

4.26.8 Maintenance Standards The occupant of the site shall be responsible for the long term maintenance of required landscaping. The Village may order in writing that the occupant take necessary actions to maintain landscaped areas and to replace dead, diseased, or dying vegetation.

4.27. WIRELESS COMMUNICATION FACILITY REQUIREMENTS

All transmission towers and telecommunication facilities within the Village of Lawton shall comply with the following requirements:

4.27.1 The structure shall be located on a site not less than thirty thousand (30,000) square feet in area and one hundred twenty-five (125) feet of lineal road frontage unless an antenna will be located on an existing structure such as an existing tower, water tower or building.

4.27.2 The structure shall only be located in areas zoned AG Agricultural, I-1 Light Industrial, I-2 General Industrial, or B-3 Central Business.

- 4.27.3 The structure shall be a lattice tower and constructed to hold a minimum of three (3) antennae. Monopole structures may be permitted if demonstrated that the structure has the load bearing capacity to hold three (3) antennae.
- 4.27.4 The site plan for the structure shall be accompanied by a certificate signed by a registered engineer as to the design integrity of the structure and the manner in which the structure may fall. Such information shall be used by the Planning Commission to determine appropriate setback requirements.
- 4.27.5 All lighting on the structure shall be prohibited unless approved by the FAA
- 4.27.6 Whenever possible wireless communication facilities shall co-locate on existing buildings, structures, and existing wireless communication structures.
- 4.27.7 Whenever a wireless communication structure has not been used for a period of one (1) year, all part of the structure shall be removed in sixty (60) days. The Village may secure the removal of the structure if it is still standing after the Village has sent a notice to the operator of the structure. In securing the removal, the Village may charge up to 125% of the removal cost to the operator, owner, or property owner.
- 4.27.8 Accessory buildings and structures shall not exceed six hundred (600) square feet.
- 4.27.9 Where a property line of a site containing a wireless communication structure abuts residentially zoned property, the owner, operator, or property owner shall provide a green buffer of sufficient density and height so as to have an immediate buffering effect on the adjacent site. In addition, the property containing the structure shall be completely enclosed with a fence with a minimum height of four (4) feet. There shall be no interference so as to impact television, radio, or microwave signals on the abutting property.
- 4.27.10 There shall be no advertising of any kind visible from the ground or other structures, other than emergency contact information.
- 4.27.11 All signals and remote control conductors of low energy extending horizontally above the ground between towers shall be a minimum of eight (8) feet in height, unless buried underground.

4.27.12 A site plan for any structure shall be submitted to the Planning Commission for review and approval.

4.28 **SPECIAL USE PERMITS**

4.28.1 Procedures

A. Application. The application for special use review shall be made on the forms and according to the guidelines provided the Village Clerk. Each application shall be accompanied by the following:

1. A site plan which shall include all the information required by Section 4.6
2. A letter describing the proposed use of the property.
3. Other information which the Planning Commission and the Village Council may reasonably deem necessary for adequate review.

The application shall be submitted by the owner having an interest in land for which the special use approval is sought, or by the owner's designated agent. The applicant or a designated representative shall be present at all scheduled review meetings or consideration of the proposal may be tabled due to lack of representation.

4.28.2 Notice

Upon receipt of a complete application, site plan, and attachments, the Planning Commission shall send a notice of the public hearing at which the special use application will be considered. The notice shall be given not less than fifteen (15) days prior to the date of the meeting. The notice shall be published in a newspaper that circulates in the Village; and such notice shall be sent by mail to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to occupants of all structures within three hundred (300) feet of the property boundary regardless if the property is located in the Village of Lawton. The notice shall contain:

- A. A description of the nature of the special use request.
 - B. A legal description or address and/or an approximate sketch of the property which is the subject of the request.
 - C. A statement of when and where the public hearing will be held to consider the request.
 - D. A statement as to when and where comments will be received concerning the request.
- 4.28.3 Planning Commission Recommendation. The Planning Commission shall review the application for the special use permit, together with any findings and reports and recommendations of Village consultants and other reviewing agencies. The Planning Commission shall make a recommendation to the Village Council for approval, approval with conditions, or denial of the special use request.
- 4.28.4 Standards for Granting Special Use Approval. Upon receipt of the Planning Commission's recommendation the Village Council shall base its action on the following standards:
- A. The location, scale, and intensity of the proposed use shall be compatible with adjacent uses and zoning of land.
 - B. The proposed use shall promote the use of land in a socially and economically desirable manner. The proposed use shall not adversely impact the social and economic well-being of those who will use the proposed land use or activity; residents, businesses, and landowners immediately adjacent; or the Village as a whole.
 - C. The proposed special use shall be compatible with and in accordance with the general principles and future land use configuration of the Village Land Use Plan and shall promote the intent and purpose of this Ordinance.

- D. The proposed use shall be designed, constructed, operated and maintained so as to assure long-term compatibility with surrounding land uses. Consideration shall be given to:
- i. The size, placement, and materials of construction of the proposed use in relation to surrounding uses.
 - ii. The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - iii. The location and height of buildings; the location, nature and height of walls and fences; and the nature and extent of landscaping.
 - iv. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
 - v. The hours of operation of the proposed use. Approval of a special use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses
 - vi. The location of the proposed special exception use within the zoning district shall minimize the impact of the traffic generated by the proposed use. Consideration shall be given to the following:
 - a. Proximity and access to major thoroughfares.
 - b. Estimated traffic generated by the proposed use.
 - c. Proximity and relation to intersections.
 - d. Location of and access to off-street parking.
 - e. Required vehicular turning movements.
 - f. Provision for pedestrian traffic.
- E. The proposed special use shall be consistent with existing and future capabilities of public services and facilities affected by the proposed use.

- F. The proposed use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be located or designed so as to be detrimental to public health, safety, and welfare. Site layout shall be such that operations will not be objectionable to nearby dwellings by reason of noise, fumes, glare or flashing lights.
- G. The proposed use shall be compatible with the natural environment.

4.28.5 Recording of Village Council Action. The Village Council shall have sixty (60) days to act on the application following the recommendation from the Planning Commission. Each action taken with reference to a special use proposal shall be duly recorded in the minutes of the Village Council. The minutes shall record the findings of fact relative to each special use proposal, the grounds for action taken, and any conditions imposed in conjunction with approval. All records of proceedings shall be kept on file and made available to the public.

4.28.6 Effective Duration of Special Use Approval. Special use approvals shall run with the land but may be issued for specified periods based upon the impacts of the proposed use to surrounding property.

4.28.7 Amendments to Special Uses. When an application is received to expand or change the use, traffic pattern, or other elements of a special use, the application shall be subject to the same procedures followed for an original special approval of land use. The denial of an application to amend an existing special use permit shall not nullify or cause to prohibit the applicant from continuing to operate in compliance/conformance within the specifications of the original (existing) special use permit approval.

4.28.8 Revocation of Special Use Approval. Approval of a special use permit and site plan may be revoked by the Village Council if construction is not in conformance with the approved plans.

4.29 SIGNS

The Village of Lawton has determined that the regulation of the location, size, placement, and certain physical qualities of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion to promote traffic safety, safeguard public health and welfare, and facilitate police protection.

In addition, it is the intent of these regulations to assure continued attractiveness of the total community environment through the adoption of discretionary controls designed to preserve scenic, aesthetic and economic values of the Village.

These regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement, and excessive height, bulk, and area. In general, it is intended that signs of a general commercial or industrial nature be prohibited in districts where commercial or industrial activities are prohibited and signs in residential districts be limited to those that directly relate to activities on the premises.

4.29.1 Definitions

The following words and phrases shall have the meaning set forth in this section when they are used in this section and throughout the Zoning Ordinance:

- Accessory sign:** A sign that pertains to the principal use on the premises upon which the sign is located.
- Appendage sign:** A sign that is intended to draw attention to one or more services, items for sale, etc. and is attached to an accessory sign, sign support, or any part of a sign structure. These signs are prohibited in the Village.
- Banner sign:** A sign with or without a frame that is on paper, cloth, or other combustible material of any kind.
- Billboard:** A sign that contains a message or advertises an establishment, product, service, space or activity not available on the lot which contains the sign. Billboards utilizing LED technology are prohibited.
- Building Frontage:** The length of the side of the building facing a street on which a business is located.
- Bulletin Board:** A sign that contains temporary or replaceable letters or characters used to announce dates of functions or activities.
- Canopy or Awning:** A suspended covering, often moveable, placed above a door, window or other entranceway.
- Construction sign:** A sign advertising a project under development, erected for the period of construction, identifying its developers, contractors, engineers, brokers, and architects.
- Directional sign:** A sign intended to expedite the flow of vehicular or pedestrian traffic.

Electronic message sign:	A sign that uses lights to display messages, such as current time, temperature and date.
Flag:	A banner of distinctive design used as a symbol of a nation, state, or other governmental unit, or a non-profit organization.
Flashing sign	A sign that is intermittently illuminated or reflects light periodically from either an artificial source or from the sun.
Freestanding sign	A sign supported by one or more upright poles, pylons or braces placed in or upon the ground and not attached to any building or other structure.
Grade:	The average elevation of an area within a radius of the sign base equal to two times the height of the sign.
Handicapped sign	A sign limited to indicating that off-street parking is reserved for the physically handicapped or a sign that is limited to indicating facilities for the physically disabled.
Illuminated sign:	A sign that has characters, letters, figures, or designs which are lighted either internally or with external shielded lights.
Institutional sign:	A sign containing a surface area upon which is displayed the name of a religious institution, school, library, community center, or similar institution and the announcement of its service or activities.
Interior sign:	A sign that is visible from any public street, sidewalk, alley, park, or public property and located within a building.
Marquee sign:	A sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building.
Maximum height:	A measurement from the grade or sidewalk to the highest edge of the sign surface or its projecting structure.
Minimum height:	A measurement from the grade or sidewalk to the lowest edge of the sign or its projecting structure.
Moving sign:	A sign that has motion, either continuously or at intervals or that give the impression of movement through intermittent flashing, twinkling, or various degrees of intensity.
Non-accessory sign:	A sign that does not pertain to the principal use of the premises on which the sign is located.

- Occupational sign:** A sign denoting only the name of the profession on an occupant in a commercial building or public institution.
- Off-premises directional sign:** A sign intended to provide directions to a business located within the Village consisting of the business name and directional arrow.
- Portable sign:** A sign, sign board, or banner that is not permanently anchored or secured to either a building, structure, or ground; or any other sign attached to a trailer or other vehicle not necessary to the vehicle or its use, but with the express intent of advertising,
- Premises:** A lot or group of lots with one or more buildings that function as a single use, is under the same ownership or control and is not divided by a public street.
- Projecting sign:** A sign so constructed and erected so as to be attached to one end of a building, metal pole, or other structure and projecting there from.
- Roof sign:** A sign that is erected, constructed and maintained on above the roof of a building or portion thereof.
- Sandwich Board sign:** An A-frame portable sign typically placed on a sidewalk in front of a business containing changeable messages.
- Sign:** Any visual or graphic device designed through the use of words, numbers, characters, or symbols to inform or attract attention and which is designed to be visible from outside of any building or structure in which, upon which, or attached to a support system.
- Sign area:** The entire area within a circle, triangle, rectangle or other geometric shape enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material, graphic or color forming an integral part of the display or message, or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is located.
- Sign erector:** Any person engaged in the business of erecting, constructing, altering, or removing signs on a contractual basis.
- Subdivision sign:** A sign or entranceway structure listing the names and addresses only of the establishment(s) occupying a

- Temporary sign:** development, subdivision, or condominium.
A sign intended to be displayed for a limited time period including decorative displays for holidays, special events, political signs, real estate signs, or public events.
- Wall sign:** A sign attached to, painted on, inscribed, or otherwise set upon the exterior surface of any building.

4.29.2 Computation of Sign Area.

For the purposes of this Ordinance, the total area of a sign shall be expressed in square feet and shall be computed as follows:

- A. Single sign face: The total area of a single face sign shall be computed as the number of square feet within any single or combination of geometric shapes, such as square, triangle, rectangle, or circle encompassing the extreme limits of a letter(s), word(s), message(s), emblem(s), or similar figure(s), including open spaces together with any frame or other material forming an integral part of a display used to differentiate such sign from the background against which it is placed.
- B. Double face sign: For a double face sign having two (2) faces of equal size arranged and or positioned back-to-back, parallel to each other with no more than a two (2) foot space between the faces, the area of the sign shall be computed as one half (1/2) the total area of the two (2) faces. When the faces are of unequal area, the area shall be computed as the total area of the largest face.
- C. Three dimensional signs: For signs that are designed as a three dimensional geometric form such as a sphere, cone, cylinder, or cube, the area shall be computed as one half (1/2) the total surface of the geometric form.

4.29.3 Permits

- A. Sign erector permit: It is unlawful for any person to construct, erect, re-erect, move, alter, enlarge, or illuminate any sign in excess of thirty-two (32) square feet unless a permit is first obtained from the Village of Lawton. Any sign that requires the use of electricity requires a permit regardless of

size.

- B. Permit application: Applications for sign permits shall be completed on a form supplied by the Village for this purpose and shall contain the following information:
- i. Name, address, and phone number of the applicant.
 - ii. Location of the building, structure, or lot in which the sign is to be placed or attached.
 - iii. Position of the sign on the building, structure, or lot which the sign is to be attached.
 - iv. Position of the sign in relation to nearby buildings, structures, property lines, and rights-of-way, existing or proposed.
 - v. Zoning district in which the sign is to be placed
 - vi. Two (2) copies of sign plans and specifications for the method of construction and attachment to the building or ground. The sign plans shall include all pertinent data including the highest point, low point clearance, face outline, and total face area with the method of calculation.
 - vii. Name and address of sign erector

4.29.4 General Sign Provisions

- A. Public Rights-of Way: No sign (or any pole or support cable of any nature) except those established and maintained by the village, state, or federal government, shall be located in or overhang a dedicated public right-of-way or easement, unless otherwise provided in this Ordinance.
- B. Sign Heights: The highest point of any sign shall exceed twenty (20) feet above the ground or grade level in the OS, B-1, B-2, CBD, I-1 and I-2 zoning districts, and eight (8) feet in the AG, R-1, R-2, R-3, RT and RM-1 zoning districts. All signs which project over the public right-of-way, private road, or walkway, such as street signs, directional signs, or a sign or canopy shall have an under clearance from the lowest point of the sign to the ground or grade level of not less than eight (8) feet.

- C. **Traffic Interference:** No advertising device shall be erected or maintained which simulates or imitates in size, color, lettering, or design any traffic sign or signal or other word, phrase, symbol, or character in such a manner as to interfere with, mislead, confuse, or create a visual impediment or safety hazard to pedestrian or vehicular traffic.

- D. **Clear Corner Vision:** No sign above the height of thirty-six (36) inches shall be located within, project into, or overhand the triangular area formed at the intersection of any two (2) street right of way lines (existing or proposed) by a straight line drawn between said right of way lines at a distance along each line of twenty-five (25) feet from their point of intersection, unless visual clearance can be assured on the plans.

- E. **Proximity to Electrical Conductors:** No sign shall be erected so that any part, including cables and guy wires will be within ten (10) feet of any electrical conductor, electric light pole, street lamp, traffic light, or other public utility or standard.

- F. **Fire Escapes:** No signs of any kind shall be attached to or placed upon a building in such a manner as to obstruct any fire escape.

- G. **Liability Insurance:** If the vertical distance of a sign above the street is greater than the horizontal distance from the sign to the street right-of-way line and is so located as to be able to fall or be pushed onto or impact public property in any way, the owner of such sign shall maintain public liability insurance in the amount of one hundred thousand dollars (\$100,000) for injury to one person and three hundred thousand dollars (\$300,000) to more than one person and property damage insurance of twenty-five thousand dollars (\$25,000) for damage to property. In lieu of an insurance policy, an owner may present satisfactory proof to the Village Attorney that said owner is financially capable of self-insurance in the above amounts.

4.29.5 Signs Exempt from Permit Requirements

No sign permit is required for the following sign. Such exemptions shall not be understood to relieve the owner for the sign's proper location, erection and maintenance.

- A. Government Signs: Signs erected on behalf of or pursuant to the authorization of a government body, including legal notices, informational signs, directional signs, or regulatory signs.
- B. Flags: Pennants, or insignia of any governmental or not-for-profit organization when not displayed in connection with a commercial promotion or as a means of advertising.
- C. Address Signs: Signs not exceeding two (2) square feet in area and bearing only property numbers, post office numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- D. Street Signs: Signs erected by private developers or county, state, village, or federal governments for street names, traffic control, direction, or information.
- E. Private Traffic Signs: Signs directing and guiding traffic and parking on private property that do not exceed six (6) square feet each and bear no advertising.
- F. Handicapped Signs: Signs not exceeding four (4) square feet each and bear no advertising.
- G. Architectural Features/Artwork: Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
- H. Small Accessory Signs: Any sign erected on a premises which is no more than two (2) square feet in area, such as no trespassing signs, garage sale signs, and signs warning of animals. The total of all small accessory signs on one premises shall not exceed eight (8) square feet, except in residential districts in which a total area of small accessory signs on one premises shall not exceed six (6) square feet.

- I. Other Signs: Signs less than thirty-two (32) square feet, unless otherwise provided in this ordinance.

4.29.6 Signs Prohibited throughout the Village

The following signs are prohibited throughout the Village:

- A. Unsafe Signs: Any sign which structurally or electrically unsafe.
- B. Utility Poles and Landscaping: Any sign erected on a utility pole, directional sign post, or landscaping including trees. Prohibited signs shall not include street signs erected by the village, county, state, or federal government.
- C. Billboards: Any billboard erected after the date of adoption for this ordinance.

4.29.7 Signs Regulated by Zoning District

- A. Signs Permitted in the CBD District
 - 1. The total wall sign area for an occupied parcel of property in the CBD District shall not exceed one (1) square foot per two (2) feet of building frontage with the total sign area not to exceed forty-five (45) square feet of wall sign advertising for each frontage.
 - 2. Any building may have one (1) canopy or awning sign (not the total area of the canopy or awning) with the lettering not exceeding twelve (12) inches in height. The sign shall be printed on or within the perimeter of the face or valance of the canopy or awning. The lowest portion of the canopy or awning shall not be less than eight (8) feet above the sidewalk or grade.
 - 3. One (1) projecting sign is permitted per building frontage with a maximum area of twenty-five (25) square feet. A projecting sign shall not exceed the height of the building and cannot be lower than eight (8)

feet from its lowest point to the sidewalk or grade.

4. One (1) freestanding sign may be allowed per premises. Such signs shall not exceed twenty (20) feet in height and sixty-four (64) feet in area or one (1) square foot per two (2) lineal feet of lot frontage, whichever is less. Freestanding signs may be located in the required front yard, provided that no portion of the sign shall be closer than ten (10) feet to any existing or planned right-of-way. No portion of any sign shall be located within a required side yard or within twenty (20) feet of a side lot line. If a parcel is served by a service road, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the road.
5. In addition to the signs listed in 1-4, wall signs may be erected on the rear or parking lot side of a building not exceeding one-half (1/2) square foot for each lineal foot of the rear length of the principal building(s), provided that the total sign area shall not exceed thirty-two (32) square feet.
6. Time, message, and temperature signs shall be permitted provided that the message shall be displayed not more than every five (5) seconds. The area of such signs shall not be included as part of the area of a freestanding sign.
7. Sandwich board signs may be permitted, subject to the following conditions:
 - a. A maximum of one (1) sandwich board sign per individual retail use or service business (including restaurants) is permitted.
 - b. Signs shall be permitted sign face of five (5) square feet per sign face.
 - c. Signs shall be permitted a maximum sign face width of 2.75 feet measured between the sign legs.
 - d. Signs shall be permitted a maximum sign height of 4.5 feet measured from the ground to the top of the sign.
 - e. Sign bases shall be weighted with a maximum of ten (10) pound ballast to insure stability in windy conditions.
 - f. Signs shall be placed a minimum of ten (10) feet from the base of another sandwich board sign for an adjoining business.

- g. Signs must be portable and cannot be permanently affixed to any structure or sidewalk, and must be removed from the public right-of-way at the end of each business day.
 - h. Signs shall be placed on sidewalks with a minimum of ten (10) feet in width.
 - i. Signs shall be placed a maximum distance of two (2) feet from the front wall of the advertised business.
 - j. Signs shall be placed so as not to obstruct doorways, crosswalks, and other physical features of the location that affect accessibility and safety.
 - k. Signs shall be placed a minimum of forty-eight (48) inches from all obstructions within the sidewalk right-of-way including newspaper boxes, bicycle racks, trash receptacles and any other item impeding pedestrian or wheelchair movement.
8. Permanent banner signs may be permitted, subject to a special use permit and in accordance with the following conditions:
- a. All proposed banner signs shall be subject to review by the Planning Commission to insure compatibility within the building(s) to which the banner(s) will be attached.
 - b. Banner signs shall exceed not one (1) per every twelve (12) feet of building frontage.
 - c. Banner signs shall not project more than thirty (30) inches from the face or wall of the building.
 - d. There shall be a minimum of ten (10) feet clearance between the bottom of the banner and the sidewalk.
 - e. The maximum size of the banner shall not exceed seventy-two (72) inches by twenty-four (24) inches.
 - f. The Planning Commission may attach any reasonable conditions to the issuance of the special use permit as it considers necessary for the general appearance of the Central Business District.
 - g. Issuance of a special use permit for banner signs does not preclude the use of temporary banners for special events, such as grand openings.

B. Signs Permitted in the OS-1, B-1, and B-2 Districts.

1. The total wall area of an occupied parcel in the OS-1, B-1, and B-2 Districts shall not exceed one (1) square foot per two (2) feet of building frontage with the total sign area for any parcel not to exceed forty-five (45) square feet.
2. One freestanding sign may allowed per premises. Such a sign shall not exceed twenty (20) feet in height and sixty-four (64) square feet in area or one (1) square foot per two (2) lineal feet of lot frontage whichever is less. Freestanding signs may be located in the required front yard, provided that no portion of any such sign shall be closer than ten (10) feet to an existing or planned right-of-way. No portion of any such sign shall be located within the required rear yard or within twenty (20) feet of a side lot line. If a parcel is served by a service road, no portion of a freestanding sign shall be closer than five (5) feet to the edge of the road.
3. In addition to the signs allowed in paragraphs 1 and 2, wall signs may be erected on the rear or parking lot side of a premises not exceeding one half square foot for each lineal foot of the rear length of the principal building(s), provided that the total sign area shall not exceed thirty-two (32) square feet.
4. For each premises, an additional area of interior signs shall not exceed twenty-five percent (25%) of the total area of any window shall be permitted, provided that no one sign shall exceed twenty (20) feet.
5. Gasoline service stations shall be permitted signs on each pump island indicating the prices, types of gasoline, and the type of service. The aggregate area of such signs shall not exceed ten (10) square feet per pump island. In no case shall the total area of all such signs exceed one hundred twenty (120) square feet.
6. Time, temperature, and electronic message signs shall be permitted provided that the message shall not be more than one every five (5) seconds. The area of such sign shall be included as part of the area of the freestanding sign.

C. Signs Permitted in the I-1 and I-2 Districts:

1. One (1) wall sign may be erected per building face up to sixty (60) square feet or ten percent (10%) of the façade area of the building whichever is less.
2. One (1) freestanding sign may be erected provided that said sign does not exceed sixty-four (64) square feet per side. Such sign shall have a height of no more than twenty (20) feet above the established grade and be erected no closer than ten (10) feet from any existing or proposed right-of-way and no closer than twenty (20) feet from any side lot line.
3. In addition to signs permitted in paragraph 1, one wall sign shall be permitted for each tenant having an individual means of entranceway into the side or rear of a building. Such sign shall not exceed six (6) square feet and shall not be erected not less than four (4) feet or more than twelve (12) feet above the established grade.
4. Interior sign which are visible from any public right-of-way, alley, or adjacent property are prohibited.
5. Directional signs up to six (6) square feet, designating entrances, exits, parking and unloading areas, shipping docks, and similar internal traffic control signs shall be permitted and located no closer than five (5) feet or any property line.

D. Signs Permitted in the AG District

In the AG District, in addition to an identification sign not exceeding two (2) square feet, two (2) signs, each which shall not exceed twenty (20) square feet, may be permitted that advertise the sale of agricultural produce or products raised on the premises.

E. Signs for Non-Residential Uses in Residential Districts.

Non-residential uses (schools, churches) permitted in residential districts may be permitted one (1) ground sign or one (1) base mounted ground sign or one (1) double inside post ground sign not to exceed sixty-four (64) square feet. The sign shall be set back a minimum of ten (10) feet from any property line or proposed right-of-way. Signs may incorporate changeable

messages. Temporary banners promoting special events may also be permitted in accordance with Section 4.29.8 of this Ordinance.

F. Subdivision and Development Signs

In all residential districts, one (1) subdivision or development entrance sign per vehicular entrance may be permitted on private property in compliance with the corner clearance provisions of this Ordinance and shall not exceed thirty-six (36) square feet in area, with a height of six (6) feet above grade. All subdivision and development signs shall be located no closer than ten (10) feet to any property line or proposed right-of-way. The Planning Commission shall review and approve or deny the placement and size of the sign as part of the site plan review process.

4.29.8 Special Event Signs

Civic, nonprofit, and religious organizations may erect temporary signs announcing special events after completing a sign permit application for a special event. The application shall contain the following information.

- A. Name of the organization sponsoring the event.
- B. Name and date of the event
- C. Duration of the event
- D. The number of temporary that will be erected
- E. The date the signs will be erected
- F. The date the signs will be removed
- G. The name of the person completing the application.

Signs shall not exceed twelve (12) square feet and shall not be permitted in any public right-of-way. Special event signs may be erected up to five (5) days before the event and must be removed within twenty-four (24) hours after the event. Each organization may be permitted a total of four (4) special events within a calendar year.

The Village Clerk shall have the authority to approve temporary event sign permit applications.

4.29.9 Non-Conforming Signs.

- A. It is the intent of this Section to encourage eventual elimination of signs that do not conform the provisions of this section, to work toward the removal of non-conforming signs and to avoid any reasonable invasion of private property rights.

- B. Any sign lawfully existing at the time of the adoption of the provisions contained herein shall be considered a legal non-conforming sign and may be permitted to remain as long as the sign is properly maintained and determined not to be detrimental to the health, safety and welfare of the Village.

- C. Continuance: A non-conforming sign shall not
 - 1. Be expanded or changed to another non-conforming sign.
 - 2. Be relocated.
 - 3. Be structurally altered so as to prolong the life of the sign or so as to change shape, size, type, placement or design of the structural parts or add illumination.
 - 4. Be repaired or re-erected after being damaged of the repair or re-erection of the sign, within any twelve (12) month period, would cost more than fifty percent (50%) of the cost of an identical new sign. If deemed necessary by the Village, the cost of an identical new sign shall be determined as the average of not less than three (3) cost estimates obtained from three (3) contractors.
 - 5. Be altered unless the alteration or reconstruction is in compliance with the provisions of this section. For the purposes of this section only the term “altered” or ‘reconstructed” shall not be normal maintenance; changing the surface of the sign space to a lesser or equal area; landscaping below the base; or changing electrical wiring or devices backgrounds, letters, figures, or characters.

- D. The Village shall make every reasonable effort to identify all non-conforming signs within the Village. Persons responsible for each sign (as well as the owner of the property on which the sign is located) shall be contacted and informed (1) which is the non-conforming sign, (2) the nature of the non-conformity, (3) what must be done to correct it and by what date, and (4) the consequences of failure to make the necessary corrections.

ARTICLE V

AG AGRICULTURAL DISTRICT

5.0 STATEMENT OF PURPOSE

The AG Agricultural District is intended to provide land area for horticultural activities which are compatible with adjacent land uses. The District is designed to promote long term environmental stability and use of land and associated natural resources.

5.1 PRINCIPAL PERMITTED USES

In the AG Agricultural District no building or use shall be permitted unless otherwise provided in this Ordinance except for the following:

- 5.1.1 Single family detached dwellings
- 5.1.2 Any farm or agricultural activities relating to truck gardening, orchards, and crop production
- 5.1.3 The sale of farm produce which has been raised on the farm from which it is to be sold.
- 5.1.4 Home occupations as defined by Section 2.1.103
- 5.1.5 Publically owned and operated buildings and uses including community buildings and public parks, playgrounds, and other recreational areas.
- 5.1.6 Essential services
- 5.1.7 Accessory buildings and uses customarily incidental to the Principal Permitted Uses.

5.2 USES SUBJECT TO A SPECIAL USE PERMIT

- 5.2.1 Churches, subject to Section 18.4R
- 5.2.2 Kennels subject to Section 18.4P

5.3 SITE PLAN APPROVAL

For all uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4.6. Buildings devoted to agricultural uses are not subject to a building permit; however they must conform to the placement requirements in Article XVII Schedule of Regulations.

5.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

All principal permitted uses, accessory uses, and uses subject to a special use permit in the AG Agricultural District, shall comply with the area, height, bulk, and placement requirements of Article 17 “Schedule of Regulations.”

ARTICLE VI

R-1, R-2, and R-3 SINGLE FAMILY RESIDENTIAL DISTRICTS

6.0 STATEMENT OF PURPOSE

These zoning districts are intended to preserve and promote the character of low and medium density neighborhoods. They are combined into one article within the Zoning Ordinance because the permitted uses and uses subject to a special use permit are the same. The differences between the three districts are lot width, lot area and setbacks. (R-1 having the largest requirements and R-3 the smallest.) All three districts permit accessory and supporting uses thought to preserve the single family character and ambiance of existing and new neighborhoods.

6.1 PRINCIPAL PERMITTED USES

- 6.1.1 Single family detached dwellings
- 6.1.2 Publically owned and operated parks, playfields, museums, libraries and other recreation facilities.
- 6.1.3 Home occupations as defined by Section 2.1.103
- 6.1.4 Golf courses
- 6.1.5 Accessory buildings and uses customarily incidental to the principal permitted uses
- 6.1.6 Adult Foster Care Family Home
- 6.1.7 Day Care Home
- 6.1.8 Off-street parking in accordance with Section 4.9.2

6.2 USES SUBJECT TO A SPECIAL USE PERMIT

- 6.2.1 Adult foster care small group home for between 7-12 adults
- 6.2.2 Day care home for between 7-12 children

- 6.2.3 Churches in accordance with Section 18.4R
- 6.2.4 Bed and Breakfast facilities in accordance with Section 18.4N
- 6.2.5 Public utility buildings, telephone exchange buildings, electric transformer stations and substations, and gas regulator stations but not including storage yards, when operating requirements necessitate locating within the District to serve the immediate neighborhood and such uses are not injurious to the surrounding neighborhood.
- 6.2.6 Accessory buildings exceeding the maximum permitted height of fourteen (14) feet provided that they are consistent with the architectural character of the immediate area.

6.3 SITE PLAN APPROVAL

For all uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4.6.

6.4 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS

Area, height, bulk, and placement requirements unless otherwise specified are as provided in Article 17 “Schedule of Regulations.”

ARTICLE VII

R-T SINGLE AND TWO FAMILY DISTRICT

7.0 STATEMENT OF PURPOSE

This zoning district encompasses land primarily adjacent to the Central Business District and some of the older localities in the Village. The residential character is mainly reminiscent of a more densely populated area typically associated with village-type development.

7.1 PRINCIPAL PERMITTED USES

In the R-T Residential District no use shall be permitted unless otherwise provided for in this Ordinance, except for the following uses:

7.1.1 All principal permitted uses in the R-1, R-2 and R-3 Single Family Residential Districts .

7.1.2 Two family residential dwellings

7.1.3 Municipal, state or federal administrative or service buildings provided they are architecturally compatible with the residential land uses in the neighborhood.

7.2 USES SUBJECT TO A SPECIAL USE PERMIT

7.2.1 Churches in accordance with Section 18.4R

7.2.2 Bed and Breakfast Facilities in accordance with Section 18.4N

7.2.3 Public utility buildings, telephone exchange buildings, electric transformer stations and substations, gas regulator stations, but not including storage yards.

7.2.4 Private Roads and streets in accordance with Section 18.4H

7.2.5 Accessory buildings exceeding the maximum permitted height of fourteen (14) feet provided that they are consistent with the architectural character of the immediate area.

7.3 AREA, HEIGHT, BULK, AND PLACEMENT REQUIREMENTS shall be in accordance with Article 17, Schedule of Regulations.

ARTICLE VIII

RM MULTIPLE FAMILY RESIDENTIAL DISTRICT

8.0 STATEMENT OF PURPOSE

The RM District is intended for multiple family residential uses. This district is characterized by the townhouses, row houses, garden apartments and zero lot line developments, specialized or group housing for seven or more unrelated individuals. Senior citizen housing is also permitted by special use permit.

8.1 PRINCIPAL PERMITTED USES

In the RM District, no use shall be permitted unless otherwise provided in this Ordinance, except for the following:

- 8.1.1 Two and three family dwellings
- 8.1.2 Garden apartments
- 8.1.3 Townhouses
- 8.1.4 Adult Foster Care facilities for seven (7) or more residents.
- 8.1.5 Child day centers for seven (7) or more children.
- 8.1.6 Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- 8.1.7 Off-street parking and loading requirements in accordance with Section 4.9.2

8.2 PERMITTED USES SUBJECT TO SPECIAL USE PERMIT

- 8.2.1 All uses subject to special use permit in the R-T District.
- 8.2.2 Private clubs and lodges subject to Section 18.40
- 8.2.3 Convalescent and nursing homes subject to Section 18.4S

8.3 SITE PLAN APPROVAL

For permitted use and use subject to a special use permit, a site plan shall be submitted in accordance with Section 4.6.

8.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, height, bulk and placement requirements unless otherwise specified are as provided in Article 17 Schedule of Regulations.

ARTICLE IX

MHP MANUFACTURED HOUSING PARK DISTRICT

9.0 DESCRIPTION AND PURPOSE

The MHP, Manufactured Housing Park District is intended to provide for the location and regulation of mobile home parks. These districts should be located in areas where they will be compatible with adjacent land uses. Accordingly, manufactured housing parks shall be located in conformance with the following:

- A. Manufactured home parks shall serve as a transition zone between residential and non-residential districts. Manufactured home parks should not be located where they would interrupt the continuity of permanent single family neighborhoods.
- B. On sites adjacent to existing manufactured home parks; however, sites which meet all other locational criteria of this Article may be appropriate.
- C. With paved vehicular access to a paved major thoroughfare or collector road.
- D. Sanitary sewer and water supply shall be available with sufficient capacity to serve the residents and to provide fire protection. Public sewer systems shall be required in manufactured home parks, if available within 200 feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system. Furthermore, the location of a manufactured housing park shall not have an adverse impact on the proper functioning of community facilities and utility systems, including but not limited to the following: roads, sanitary sewers, water, storm drainage, police and fire protection, and the educational system.
- E. Outside of a designated floodway.

The regulations established by state law (Michigan Public Act 96 of 1987, as amended) and the Manufactured Housing Commission Rules govern all manufactured home parks. When regulations in this Article exceed the state law or the Manufactured Housing Commission Rules they are intended to insure that manufactured home parks meet the development and site plan standards established by this Ordinance for other comparable residential development and to promote the health, safety and welfare of the Village's residents.

9.1 PRINCIPAL PERMITTED USES REGULATIONS

In all areas zoned MHP, Manufactured Housing Park District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for one or more of the following principal permitted uses.

- 9.1.1 Manufactured housing parks and subdivisions.
- 9.1.2 Adult foster care and family day care facilities
- 9.1.3 Essential services, provided there is no building or outdoor storage yard.

9.2 PERMITTED ACCESSORY USES

Accessory buildings, uses and activities customarily incidental to any of the above-named permitted uses, subject to the provisions of this Article.

9.3 DEVELOPMENT STANDARDS AND REQUIREMENTS

A. Preliminary Plan Review

Pursuant to Section 11 of Michigan Public Act 96 of 1987, as amended, a preliminary plan shall be submitted to the Village for review by the Planning Commission. The preliminary plan shall include the location, layout, general design, and general description of the project. The preliminary plan shall not include detailed construction plans.

In preparing the preliminary plan and when reviewing the plan, the developer and Planning Commission shall follow the procedures and requirements of this Ordinance, where applicable, except where said procedures and requirements are superseded by requirements in Public Act 96 of 1987, as amended, or the Manufactured Housing Commission Rules.

Pursuant to Section 11 of Public Act 96 of 1987, as amended, the Planning Commission shall take action on the preliminary plan within sixty (60) days after the Village officially receives the plan.

B. Minimum Requirements

Manufactured home parks shall be subject to all the rules and requirements as established and regulated by Michigan law including, by the way of example, Act 96 of 1987, as amended, and the Manufactured Housing Commission Rules and, in addition, shall satisfy the following minimum requirements:

9.3.1 General Authority

Manufactured home parks shall be constructed, licensed, operated, and managed in accordance with the provisions of the Manufactured Housing Commission Act, Act 96 of 1987, and subsequently adopted rules and regulations governing manufactured home parks. Application for permit to construct a Manufactured Housing Park shall be submitted to the Michigan Department of Consumer & Industry Services. Consumer & Industry Services, Construction Codes Bureau is the agency charged with licensing of manufactured home parks. Preparation of the application, support data, and local agency review of the above mentioned materials shall conform to the requirements of Act 96.

9.3.2 Codes

All structures and utilities to be constructed, altered, or repaired in a manufactured home park shall comply with all applicable codes of the Village the State of Michigan, the U.S. Department of Housing and Urban Development and the Manufactured Housing Commission, including building, electrical, plumbing, liquefied petroleum gases and similar codes, and shall require permits issued therefore by the appropriate offices. However, a manufactured home built prior to June 15, 1976 shall have been constructed to the State of Michigan Standards in effect at that time.

9.3.3 Parcel Size

The minimum parcel size for manufactured housing parks shall be ten (10) acres.

9.3.4 Site Size

The manufactured housing park shall be developed with sites having a minimum size of 5,500 square feet per manufactured home unit. This 5,500 square foot minimum for any one site may be reduced 20 percent provided that the individual site shall be equal to at least 4,400 square feet. For each square foot of land gained through the reduction of a site below 5,500 square feet, at least an equal

amount of land shall be dedicated as open space, but in no case shall the open space and distance requirements be less than that required under R125.1946, Rule 46 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code.

9.3.5 Dimensional Requirements

Manufactured homes shall comply with the following minimum distances and setbacks:

- 9.3.5.1** Twenty (20) feet from any part of an adjacent manufactured home.
- 9.3.5.2** Ten (10) feet from any on-site parking space of an adjacent manufactured home site.
- 9.3.5.3** Ten (10) feet from any accessory attached or detached structure of an adjacent manufactured home.
- 9.3.5.4** Fifty (50) feet from any permanent building.
- 9.3.5.5** One hundred (100) feet from any baseball, softball, or similar recreational field.
- 9.3.5.6** Ten (10) feet from the edge of an internal road, provided that such road is not dedicated to the public. Manufactured homes and other structures in the MHP District shall be set back at least twenty (20) feet from the right-of-way line of a dedicated public road with the manufactured home park.
- 9.3.5.7** Seven (7) feet from any parking bay
- 9.3.5.8** Seven (7) feet from a common pedestrian walkway.
- 9.3.5.9** All manufactured homes and accessory buildings shall be set back not less than twenty-five (25) feet from any park boundary line, including the future right-of-way line of abutting streets and highways.
- 9.3.5.10** Forty (40) feet from the edge of any railroad right-of-way.

9.4 Building Height

Buildings in the MHP district shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet, except that storage sheds shall not exceed fifteen (15) feet in height.

9.5 Roads

Roads shall satisfy the minimum dimensional, design, and construction requirements as set forth in the Manufactured Housing Commission Rules except as follows:

- 9.5.1** Two-way streets shall have a minimum width of twenty-one (21) feet where no parallel parking is permitted, thirty-one (31) feet where parallel parking is permitted on one side only, and forty-one (41) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.

- 9.5.2** One-way streets shall have a minimum width of thirteen (13) feet where no parallel parking is permitted, twenty-three (23) feet where parallel parking is permitted on one side only, and thirty-three (33) feet where parallel parking is permitted on both sides of the street. Roads not permitting parking shall be clearly marked or signed.

- 9.5.3** The alignment and gradient of a road shall be adapted to the topography and shall be graded for its full width to drain surface water. Internal road gradient and drainage construction phase features shall meet the requirements of the Manufactured Housing Commission Rule 908 and Rule 47 of the Michigan Department of Environmental Quality standards.

- 9.5.4** Cul-de-sacs, where proposed, shall have a minimum radius of thirty (30) feet (60 ft. in diameter). Maximum cul-de-sac length shall be one-thousand (1,000) feet, provided no more than thirty-five (35) units may be served by a single means of access. A dead end road shall terminate with an adequate turning area. A blunt-end road is prohibited.

- 9.5.5** Adequate sight distance shall be provided at all intersections.

- 9.5.6** The main entrance to the park shall have access to a public thoroughfare or shall be connected to a paved public collector or arterial road by a permanent easement which shall be recorded by the developers. Sole access to the park via an alley is prohibited.

9.5.7 All roads shall be clearly marked with appropriate identification and traffic control signs.

9.5.8 All roads shall be hard-surfaced and may be constructed with curbs and gutters.

9.6 Parking

9.6.1 All manufactured housing sites shall be provided with two (2) parking spaces per Manufactured Housing Commission Rules 925 and 926.

9.6.2 In addition, a minimum of one (1) parking space for every three (3) manufactured housing sites shall be provided for visitor parking located convenient to the area served.

9.6.3 Off-street parking in accordance with Article IV of this Ordinance shall be provided in conjunction with any community buildings, recreational facilities or office/maintenance buildings located within the manufactured home park.

9.6.4 No unlicensed or inoperable vehicle of any type shall be parked in this district at any time except within a covered building.

9.6.5 Common areas for the storage of boats, motorcycles, recreation vehicles, and similar equipment may be provided in a manufactured housing park, but shall be limited to use only by residents of the manufactured housing parks. The location of such storage areas shall be shown on the site plan and shall be prohibited on manufactured housing sites and in designated open space areas. No part of any such storage area shall be located in any yard required on the perimeter of the manufactured housing parks. Such storage area shall be surfaced with gravel, asphalt or similar substance and shall be screened from view from adjacent residential properties with an opaque six (6) foot wooden fence, six (6) foot masonry wall with landscaping, or landscaped greenbelt. If a landscaped greenbelt is used, it shall consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground level within three (3) years

of planting. Common laundry drying areas, trash collection stations, surface mounted transformers, and similar equipment and facilities shall also be screened from view by plant material and/or man-made screens.

9.7 Sidewalks

Concrete sidewalks having a minimum width of four (4) feet shall be provided on at least one side of collector roads in the manufactured housing park.

9.8 Accessory Buildings and Facilities

- 9.9.1** Accessory buildings and structures, including park management offices and public works facilities, storage buildings, laundry facilities, recreation or community facilities, and other accessory facilities, shall be designed and operated for use by residents of the park only and shall be shown on the submitted Preliminary Plan for approval.
- 9.9.2** Site-built structures within a manufactured housing park shall be constructed in compliance with the Building Codes and shall require all applicable permits. Any addition to a manufactured housing unit that is not certified as meeting the standards of the U.S. Department of Housing and Urban Development for manufactured housing shall comply with the Building Codes.
- 9.9.3** No personal property shall be stored outside or under any manufactured home. Storage structures (e.g., sheds, garages, etc.) may be used to store personal property on site. The installation of any such shed or garage shall require a Village building permit. Storage sheds need not be supplied by the owner or operator of the manufactured housing park.
- 9.9.4** Travel trailers or recreational vehicles shall not be occupied as living quarters in all new and future manufactured housing developments.
- 9.9.5** Towing mechanisms, including tires, shall be removed from all homes at the time of installation and stored so as not to be visible from the exterior of the community. Towing mechanisms, including axles, may, however, be stored under manufactured homes within a community.

9.9 Open Space

Open space shall be provided in any manufactured housing park containing fifty (50) or more manufactured housing sites, and maintained by the owner or operator of the park. The open space shall comply with the following requirements:

- 9.9.1** A minimum of two percent (2%) of the park's gross acreage shall be dedicated to well drained, usable open space developed with appropriate recreational facilities and play equipment, provided that a minimum of twenty-five-thousand (25,000) square feet of contiguous open space is available to residents.

- 9.9.2** Open space shall be shaped and located conveniently in relation to the majority of dwelling units intended to be served. Up to twenty-five percent (25%) of the required open space may consist of swamp areas, marshy areas, and similar limited use areas.

9.10 Landscaping and Screening

9.10.1 Perimeter Screening. All manufactured housing parks shall be screened from existing adjacent residential uses by either a six (6) foot privacy fence or a densely planted landscaped greenbelt. In addition, a landscaped buffer shall be provided along the public road frontage of any manufactured housing park.

9.10.1.1 If provided, screen walls shall be constructed of masonry material that is constructed of face brick, decorative block, or poured concrete with a simulated brick or stone pattern. Required walls shall be placed inside and adjacent to the lot line except where underground utilities would interfere with the placement of the wall or where the wall would unreasonably obstruct the use of adjacent property, in which case the wall may be set back from the property line a sufficient distance to resolve such concerns.

9.10.1.2 If a landscaped greenbelt is used, it shall be a minimum of twenty (20) feet in width and consist of closely-spaced evergreen plantings (that is, no farther than fifteen (15) feet apart) which can be reasonably expected to form a complete visual barrier that is at least six (6) feet above ground

level within three (3) years of planting. Deciduous plant materials may be used provided that visual screening is maintained throughout the year.

9.10.2 Landscaping Adjacent to Rights-of-Way. A landscaped berm measuring three (3) feet in height along a landscaped greenbelt shall be constructed along the public rights-of-way on which the manufactured housing park fronts. The berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal. Landscaping adjacent to the road shall comply with the following requirements, which are consistent with landscaping required for other types of development in the Village of Lawton:

<u>Type</u>	<u>Requirements</u>
Deciduous street tree (e.g. Red or Norway Maple, Linden, Ash)	1 per 40 lineal feet of road frontage
Deciduous or evergreen shrubs	1 per 3 lineal feet of road frontage

9.10.3 Site Landscaping. A minimum of one (1) deciduous or evergreen tree shall be planted per two (2) manufactured housing sites.

9.10.4 Parking Lot Landscaping. Off-street parking lots containing more than fifteen (15) spaces shall be provided with at least ten (10) square feet of interior parking lot landscaping per space. Such areas shall measure at least one-hundred-fifty (150) square feet and shall be covered by grass, ground cover, shrubs or other live plant material. At least one (1) deciduous tree shall be planted per parking lot landscaped area.

9.11 Canopies

Canopies and awnings may be attached to any manufactured dwelling unit and may be enclosed for use as a sun room or recreation room, but not as a bedroom. Canopies and awnings shall comply with the setback and distance requirements set forth in this Section but shall not require a building permit unless fully enclosed or exceeding ten (10) foot by ten (10) foot in size.

9.12 Waste Receptacles

If proposed, waste receptacles shall comply with the following requirements as well as Part 5 of the MDEQ Standards for waste receptacles:

- 9.12.1** Receptacles shall be set back a minimum distance of fifty (50) feet from the perimeter of the manufactured housing park and at least fifteen (15) feet from any building, in a location that is clearly accessible to the servicing vehicle. Receptacles shall be provided within one-hundred-fifty (150) feet of each manufactured housing unit, unless curb-side collection is provided.

- 9.12.2** Receptacles shall be screened on three (3) sides with a decorative masonry wall or wood fencing, not less than six (6) feet in height. The fourth side of the dumpster screening shall be equipped with an opaque lockable gate that is the same height as the enclosure around the other sides.

- 9.12.3** Receptacles shall be placed on a concrete pad which shall extend six (6) feet in front of the dumpster enclosure. Bollards (concrete filled metal posts) shall be installed at the opening of the dumpster enclosure to prevent damage to the screening wall or fence.

9.13 Signs.

9.13.1 Each manufactured housing park shall be permitted either:

9.13.1.1 Two (2) signs, each of which shall not exceed five (5) feet in height and sixteen (16) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line; or

9.13.1.2 One (1) sign which shall not exceed five (5) feet in height and thirty-two (32) square feet in area and shall be set back a minimum of ten (10) feet from any property or right-of-way line.

9.13.1.3 Management offices and community buildings in a manufactured housing park shall be permitted one (1) identification sign not to exceed six (6) square feet in area.

9.14 Water and Sewer Service

All manufactured housing parks shall be served by approved central water and sewage systems, which shall meet the requirements of the Van Buren County Health Department and the Michigan Department of Public Health. Public sewer systems shall be required in manufactured housing parks, if available within two-hundred (200) feet at the time of preliminary plan approval. If a public sewer system is unavailable, the park shall connect to a state-approved sewage system. The plumbing connections to each manufactured housing site shall be constructed so that all lines are protected from freezing, accidental bumping, or from creating any nuisance or health hazard.

9.15 Storm Drainage

All developed portions of the manufactured housing park shall be served by adequate storm drainage facilities, independent of sanitary sewers, designed and constructed in accordance with applicable local, county, and state regulations as outlined in Part IV of the MDEQ Standards. On-site storm water detention facilities may be required.

9.16 Underground Wiring and Utilities

All local distribution lines for franchised utilities, including but not limited to telephones, electrical service, and cable television, shall be placed entirely underground throughout mobile home parks. Mainlines and perimeter feed lines located on a section or quarter section line may be above ground if they do not overlap the park. Conduits or cables shall be placed within private easements provided to the service companies by the proprietor and/or developer or within public ways. Those telephones and electrical facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All telephones and electrical facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission.

9.17 Mailbox Clusters

The United States Postal Service may require that manufactured housing parks be served by clusters of mailboxes serving several sites rather than individual mailboxes serving individual sites. If mail box clusters are required, they shall be located at least two hundred (200) feet from any intersection of a manufactured housing park road with a public road.

9.18 Manufactured Housing Unit Sales

The business of selling new or used manufactured housing as a commercial operation shall not be permitted after complete occupancy of a new or expanded manufactured housing park has been achieved. Thereafter, new or pre-owned manufactured homes which are to remain on-site in a manufactured housing community may be sold by the resident, owner, licensed dealer or broker, provided the manufactured housing development management permits such sales activity.

9.19 Prohibitions

A manufactured home shall only be used as a single-family dwelling. This provision shall not be construed to preclude the siting of model manufactured homes on licensed sites in a manufactured home community for sale or temporary sales office purposes.

9.20 Operational Requirements

9.20.1 Permits. A manufactured housing park shall not be operated until a license has been issued by the Michigan Bureau of Construction Codes. No individual manufactured housing site shall be occupied until the required improvements including utilities and access roads which serve the site are in place and functioning. Buildings constructed on-site, such as a management office or clubhouse, shall require a building permit prior to construction and a Certificate of Occupancy prior to use.

9.20.2 Violations. Whenever, upon inspection of any manufactured housing park, the Village Building Inspector finds that conditions or practices exist which violate provisions of this Section or other regulations referenced herein, the Village shall give notice in writing by certified mail to the Director of Michigan Manufactured Housing Commission, including the specific nature of the alleged violations and a description of possible remedial action necessary to effect compliance with the ordinance or other regulations. The notification shall include such other information as is appropriate in order to fully describe the violations and potential hazards to the public health, safety and welfare resulting from the violation. A copy of such notification shall be sent by certified mail to the last known address of the park owner or agent.

9.20.3 Inspections. The Village's agent is granted the authority, as specified in Michigan Public Act No. 96 of 1987, as amended, to enter upon the premises of any manufactured housing park for the purpose of determining compliance with the provisions of this Section or other regulations referenced herein.

ARTICLE X

B-1 LOCAL BUSINESS DISTRICT

10.0 STATEMENT OF PURPOSE

The B-1 Local Business District is intended to accommodate various types of office, retail, and service establishments. These uses can serve as a transition use between more intensive land uses such as highway commercial uses or major highways and less intensive land uses such as single and two family district. This district is also intended to allow for uses which do not generate large volumes of traffic or require extended hours of operation.

10.1 PRINCIPAL PERMITTED USES

10.1.1 In the B-1 District, no uses shall be permitted unless otherwise provided in this Ordinance except the following:

10.1.2 Office building and uses when goods or wares are not commercially created on the premises.

10.1.3 Insurance offices, brokerage houses, and real estate offices.

10.1.4 Business and private schools operated for a profit completely within an enclosed building.

10.1.5 Photographic studios

10.1.6 Funeral homes and mortuaries

10.1.7 Financial institutions, banks, credit unions

10.1.8 Laundromats

10.1.9 Grocery stores, fruit and flower markets, and bakeries

10.1.10 Watch, television, and shoe repair shops

10.1.11 Barber and beauty shops

10.1.12 Sign shops

10.1.13 Mixed uses (50% of the first floor area is given to non-residential use) i.e. permitted commercial and residential uses combined in one building.

10.1.14 Art galleries and museums

10.1.15 Public utilities

10.1.16 Accessory buildings and uses customarily incidental to the above Permitted Principal Uses

10.1.17 Off-street parking in accordance with the requirements of Article 4.9.2

10.1.18 Outdoor trash containers or dumpsters subject to Section 18.3M

10.2 USES SUBJECT TO SPECIAL USE PERMIT

10.2.1 Medical or Dental Clinics in accordance with Section 18.4J

10.2.2 Gasoline service stations and filling stations subject to Section 18.4Q

10.2.3 Fraternal organizations, service clubs, and lodge halls, subject to Section 18.4O

10.2.4 Office Developments (two or more structures) subject to Section 18.4K

10.3 SITE PLAN APPROVAL

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4.6.

10.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article 17, Schedule of Regulations.

ARTICLE XI

B-2 GENERAL BUSINESS DISTRICT

11.0 STATEMENT OF PURPOSE

The B-2 General Business District is intended to serve the highway and comparison shopping needs of the residents of the greater Village of Lawton area as well as the passing motorist. It is characterized by businesses with large lot requirements, extended hours and major thoroughfare locations.

11.1 PRINCIPAL PERMITTED USES

In the B-2 Business district, no uses shall be permitted unless otherwise provided in this ordinance, except the following:

- 11.1.1 All Principal Permitted Uses in the B-1 Local Business District
- 11.1.2 Retail shops.
- 11.1.3 Personal service establishments, including health spas.
- 11.1.4 Restaurants and taverns, not including drive-in restaurants.
- 11.1.5 Bakeries, employing not more than ten (10) persons per shift.
- 11.1.6 Dry cleaning and laundry establishments employing not more than five (5) persons.
- 11.1.7 Printing, publishing, photography or other reproduction businesses.
- 11.1.8 Custom craft shops.
- 11.1.9 Combined retail-wholesale business when conducted entirely within a building.
- 11.1.10 Publicly owned buildings including government facilities.
- 11.1.11 Lumber yards.
- 11.1.12 Veterinary Hospitals & Clinics.

11.1.13 Accessory Buildings and Uses Customarily Incidental to the above Principal Permitted Uses.

11.1.14 Boat and recreational vehicle storage.

11.1.15 Outdoor farmer's market

11.1.16 Arcades

11.1.17 Flea market and auction facilities

11.1.18 Mini storage facilities

11.1.19 Off-street parking in accordance with the requirements of Article 4.9.2

11.2 USES SUBJECT TO A SPECIAL USE PERMIT

11.2.1 Drive-in restaurants subject to Section 18.4B

11.2.2 Car wash establishment subject to Section 18.4F

11.2.3 Open air businesses subject to Section 18.4E.

11.2.4 Medical or dental clinics subject to Section 18.4J

11.2.5 Bowling alleys, skating rinks, and indoor recreation facilities subject to Section 18.4D.

11.2.6 Gasoline service stations subject to Section 18.4Q

11.2.7 Office Developments (two or more structures) subject to Section 18.4K

11.2.8 Hotels, motels, and motor courts subject to Section 18.4A.

11.3 SITE PLAN REVIEW

For all Permitted Uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4.6.

11.4 AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

Area, Height, Bulk, and Placement Requirements unless otherwise specified are as provided in Article 17, Schedule of Regulations.

ARTICLE XII

CBD CENTRAL BUSINESS DISTRICT

12.0. STATEMENT OF PURPOSE

The CBD Central Business District is intended to permit a variety of commercial, administrative, financial, civic, cultural, residential, entertainment and recreational uses in an effort to provide the harmonious mix of activities necessary to further enhance the Central Business District as a commercial and service center. All principal and special uses shall be exempt from complying with the off-street parking requirements of this Ordinance.

12.1. PRINCIPAL PERMITTED USES

In the CBD Business District, no uses shall be permitted unless otherwise provided in this Ordinance, except the following:

- 12.1.1 Single Family and Two Family Dwellings
- 12.1.2 Any retail business whose principal activity is the sale or rental of merchandise within a completely enclosed building.
- 12.1.3 Personal service establishments, including health spas, gymnasiums, barber and beauty shops.
- 12.1.4 Financial institution, including drive thru facilities.
- 12.1.5 Restaurants and taverns including sidewalk and outdoor cafes but not including drive-in restaurants.
- 12.1.6 General professional offices not including medical and dental clinics.
- 12.1.7 Museums and art galleries.
- 12.1.8 Business office machine and repair facilities.
- 12.1.9 Custom craft shops.
- 12.1.10 Combined retail-wholesale business when conducted entirely within a building.

- 12.1.11 Publicly owned buildings including government facilities.
- 12.1.12 Theaters and concert halls.
- 12.1.13 Mixed use establishments, i.e., commercial and residential uses combined in one structure.
- 12.1.14 Funeral parlors and mortuaries.
- 12.1.15 Other uses which are similar to the above and subject to the following restrictions:
 - A. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from premises where produced.
 - B. All business, servicing or processing except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 - C. Storage of commodities shall be within buildings and shall not be visible to the public from a street or thoroughfare.
- 12.1.16 Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- 12.1.17 All permitted commercial uses within the CBD District shall be exempt from off –street parking requirements.

12.2. **SITE PLAN APPROVAL**

For permitted uses and uses subject to special use permit, a site plan shall be submitted in accordance with Section 4.6.

12.3. **AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS**

Area, Height, Bulk and Placement Requirements, unless otherwise specified, are as provided in Article 17 “Schedule of Regulations.”

ARTICLE XIII

OS-1 OFFICE SERVICE DISTRICT

13.0 INTENT

The OS-1 District is designed to accommodate various types of office uses performing administrative, professional and personal services. These are typically small office buildings which can serve as a transitional use between the more intensive uses of land such as major thoroughfares and/or commercial districts and the less intensive uses of land such as single family residential development. This district is specifically intended to prohibit commercial establishments of a retail nature or other activities which require constant short term parking.

13.1 PRINCIPAL USES PERMITTED

In an OS-1 Office Service District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses:

- 13.1.1 Single and two family dwellings
- 13.1.2 Executive, administrative and professional offices.
- 13.1.3 Medical offices, including clinics, medical laboratories, birthing centers and medical equipment sales.
- 13.1.4 Facilities for human care, such as sanitariums, convalescent and nursing homes, but not including hospitals.
- 13.1.5 Banks and similar financial institutions.
- 13.1.6 Libraries and government office buildings and public utility offices, but no including storage yards.
- 13.1.7 Private social and fraternal clubs, not including gun or conservation clubs.
- 13.1.8 Child care centers.
- 13.1.9 Photographic studios and interior decoration studios.
- 13.1.10 Establishments which perform personal services on the premises such as:

beauty parlors and barber shops.

13.1.11 Mortuaries and funeral homes.

13.1.12 Health Care Centers.

13.1.13 Off-street parking lots in accordance with Section 4.9.2

13.1.14 Accessory buildings or uses customarily incidental to any of the above permitted uses.

13.2 **USES PERMITTED WHICH REQUIRE A SPECIAL USE PERMIT**

13.2.1 Churches, subject to Section 18.4R

13.2.2 One, two and multiple family residential dwelling units on the upper floors of existing office or service establishments provided that:

- a. Dwelling units shall not be located below the second floor.
- b. A minimum floor area of 400 sq. ft. for a one bedroom or efficiency shall be provided. For each additional bedroom, an addition 100 sq. ft. of floor area shall be provided.

13.2.3 Veterinary clinics and hospitals provided all activities are conducted within a totally and permanently enclosed building.

13.3 **SITE PLAN REVIEW**

For all principal uses and uses subject to a special approval use permit, a site plan shall be submitted in accordance with Section 4.6.

13.4 **AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS**

Area, height, bulk and placement requirements shall be in accordance with Article 17, "Schedule of Regulations."

ARTICLE XIV

P PARKING DISTRICT

14.0 STATEMENT OF PURPOSE

This zoning district is intended to provide vehicular parking facilities that are associated with business or industrial districts.

14.1 PRINCIPAL PERMITTED USES

In the P District, no uses shall be permitted unless otherwise provided in the Ordinance except the following:

14.1.1 Premises in this District shall be used only for vehicular parking areas subject to all regulations hereinafter provided.

14.2 LIMITATION OF USE

14.2.1 Parking area shall be used for parking or storage of private passenger vehicles only, and the short term parking for trucks.

14.2.2 Parking may be with or without charge.

14.2.3 No business involving the repair or services to vehicles permitted thereon or sale, or other storage, or display thereof, shall be conducted from or upon such premises.

14.2.4 All P Districts shall be contiguous to a Business District or Industrial District; provided however, that there may be a private drive, public alley or public street between such P District and such Business or Industrial District.

14.2.5 No sign shall be erected or placed on the premises except that not more than one directional sign at each point of ingress and egress may be erected or placed. Such signs may also contain information on price and duration and shall not exceed twelve (12) square feet in area nor fifteen (15) feet in height.

14.2.6 All parking areas shall accommodate surface parking only; no parking structures may be permitted.

14.2.7 Every such parking area shall be surfaced with an asphalt, concrete or similar durable and dustless surface, and shall be graded and drained to dispose of all surface water to the nearest adjoining street and away from adjoining street and away from adjoining properties.

14.3 **PERMITTED USES SUBJECT TO A SPECIAL USE PERMIT**

14.3.1 Single family dwellings.

14.3.2 Two family dwellings.

14.4 **SITE PLAN APPROVAL**

For permitted uses and uses subject to a special use permit, a site plan shall be submitted in accordance with Section 4.6.

14.5 **AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS**

Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article 17 “Schedule of Regulations.”

ARTICLE XV

I-1 LIGHT INDUSTRIAL DISTRICT

15.0 STATEMENT OF PURPOSE

The purpose of the I-1 District is to establish a zone where designated industrial and commercial businesses may locate and intermingle, which produce a minimum amount of adverse effect on adjoining premises, are compatible with one another, and do not require large land or building areas for operation nor large yard areas for isolation or protection from adjoining premises or activities.

15.1 PRINCIPAL PERMITTED USES

In the I-1 District, no uses shall be permitted, unless otherwise provided in this Ordinance, except the following:

- 15.1.1 Wholesale and Warehousing: the sale at wholesale or warehousing of automotive equipment, alcoholic beverages, dry goods and apparel, groceries and related products, raw farm products except livestock, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and equipment, tobacco and tobacco products, paper and paper products, furniture and home furnishings, and any commodity the manufacture of which is permitted in the District, and truck terminals.
- 15.1.2 Testing and research laboratories.
- 15.1.3 Tool and die shops.
- 15.1.4 Facilities for the printing or forming of box, carton and cardboard products.
- 15.1.5 Electric transformer stations and substations, electric transmission towers, municipal buildings and uses, gas regulators and municipal utility pumping stations.
- 15.1.6 Indoor tennis, paddleball, or racquetball courts.
- 15.1.7 Commercial bakeries.
- 15.1.8 Cold storage plants.

- 15.1.9 Bottling works, including milk bottling or distribution station.
- 15.1.10 Tin shop or plumbing supply shops.
- 15.1.11 Veterinary hospital or clinics.
- 15.1.12 Contractor's storage yards.
- 15.1.13 Mini-storage facilities.
- 15.1.14 Automobile storage and parking.
- 15.1.15 Hotels, motels and motor courts.
- 15.1.16 Accessory buildings and uses customarily incidental to the above Principal Permitted Uses.
- 15.1.17 Off-street parking in accordance with Section 4.9.2
- 15.1.18 Outdoor trash containers or dumpsters subject to Section 18.4M
- 15.1.19 Metal finishing and welding shops.
- 15.1.20 Railroad and switching yards.
- 15.1.21 Restaurants.
- 15.1.22 Automobile prototype manufacturing and assembly.
- 15.1.23 Awning and tarp shops.
- 15.1.24 Small appliance and engine repair.
- 15.1.25 Automobile wash facilities.
- 15.1.26 Assembly halls
- 15.1.27 Bait shops.
- 15.1.28 Trucking terminals.

15.2 **PERMITTED USES SUBJECT TO A SPECIAL USE PERMIT**

- 15.2.1 Planned Industrial Parks subject to Section 18.4L
- 15.2.2 Radio, television and windmill tower subject to Section 18.4I
- 15.2.3 Kennels subject to Section 18.4P
- 15.2.4 Day Care Centers licensed by the State of Michigan

15.3 **COMPLIANCE WITH COUNTY AND STATE REGULATIONS**

Any use permitted in the I-1 District must comply with applicable county and state health and all pollution law and federal regulations.

15.4 **SITE PLAN REVIEW**

For all permitted uses and uses permitted special use permit, a site plan shall be submitted in accordance with Section 4.6.

15.5 **AREA, HEIGHT, BULD AND PLACEMENT REQUIRMENTS**

Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article 17, “Schedule of Regulations.”

ARTICLE XVI

I-2 GENERAL INDUSTRIAL DISTRICT

16.0 STATEMENT OF PURPOSE

The purpose of this district is to provide areas where heavier types of industry may best utilize essential public and private facilities and utilities while minimizing the negative impacts typically associated with this type of industry.

16.1 PRINCIPAL PERMITTED USES

- 16.1.1 All permitted uses in the I-1 District.
- 16.1.2 Establishments which assemble and manufacture automobiles, automobile bodies, parts and accessories, electrical fixtures, batteries and other electrical apparatus and hardware.
- 16.1.3 Establishments which process, refine or store food and foodstuffs.
- 16.1.4 Breweries, wineries, bump shops, distilleries, machine shops, metal buffing shops, plastering and polishing shops, metal and plastic molding shops, extrusion shops, lumber and planing mills, painting and sheet metal shops, undercoating and rustproofing shops and welding shops.
- 16.1.5 Municipal sewage treatment plants
- 16.1.6 Coal or building material storage yards
- 16.1.7 Truck terminals
- 16.1.8 Manufacture of goods and products
- 16.1.9 Any uses similar to the above.
- 16.1.10 Accessory buildings and uses customarily incidental to the above Principal Permitted uses.
- 16.1.11 Off-street parking in accordance with Section 4.9.2
- 16.1.12 Outdoor trash containers or dumpsters subject to Section 18.4M

16.2 **USES SUBJECT TO A SPECIAL USE PERMIT**

16.2.1 Automobile disposal and junk yards subject to Section 18.4G

16.3 **OPEN STORAGE**

All storage of building, contracting, or plumbing materials, sand, gravel, stone, lumber, equipment, and other supplies, shall be located within an area not closer than one hundred and fifty (150) feet from a street right-of-way line. The storage of lumber, coal, or other combustible material shall not be less than twenty (20) feet from any interior lot line, and a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the property to permit free access of fire trucks at any time. All such open storage shall be screened from all streets and on all sides which abut a Residential or Business District, by a solid six (6) foot wall or fence sufficient to serve as a permanent retaining wall or fence.

16.4 **PERFORMANCE STANDARDS**

Before the issuances of any building or occupancy permit in this zone, the applicant shall comply with an agreement that the use of the property will meet the following performance standards, or that any violation of these standards in subsequent operations will be corrected, the costs of inspection by experts for compliance to be borne by the applicant.

16.4.1 Fire and Explosion Hazards

All activities shall be carried on only in buildings conforming to the building code, and the operation shall be carried on in such a manner and with such precaution against fire and explosion hazards as to produce no explosions hazards as determined by the Michigan Department of Labor to a use on an adjacent property. Flammable liquids as published by the Michigan State Fire Marshal, other than fuels used for heating shall be stored in an entirely closed building which shall be used for no other purpose, or in underground tanks provided:

- A. Said storage building is not closer than one hundred (100) feet to any building occupied by one (1) or more humans.
- B. Every factory or manufacturing building or other buildings permitted only in the industrial area shall be equipped with automatic sprinklers or other automatic fire extinguishers approved by the Building Inspector and the Chief of the Fire Department as

being sufficient in view of the nature and extent of the fire risk.

16.4.2 Smoke, Fumes, Gases, Dust, Odors

There shall be no emission of any smoke, atomic radiation, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use in such a manner as to create a public nuisance.

16.4.3 Liquid or Solid Waste

The discharge of untreated industrial waste is prohibited. All methods of salvage and industrial waste treatment and disposal shall be approved by the Village and Michigan State Health Department. No effluent shall contain any acids, oils, dust, toxic metals, corrosives or other toxic substance in solution or suspension which would create odors, or discolor, poison or otherwise pollute the water or soil in any way.

16.4.4 Vibration

There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.

16.4.5 Noise

There shall be no noise emanating from the operation which will be more audible beyond the boundaries of the immediate site than eighty (80) decibels.

16.4.6 Glare

There shall be no direct or sky-reflected glare exceeding one and one-half (1.5) foot candles or which would be damaging to the human eyes measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrances or exits of service drives leading to a parking lot.

16.5 **SITE PLAN REVIEW**

For all permitted uses and uses permitted subject to a special use permit, a site plan shall be submitted in accordance with Section 4.6.

16.6 **AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS**

Area, Height, Bulk and Placement Requirements unless otherwise specified are as provided in Article 17, “Schedule of Regulations.”

**ARTICLE 17
SCHEDULE OF REGULATIONS**

Zoning District	MINIMUM BLDG SITE PER UNIT		MAXIMUM BUILDING HEIGHT		MINIMUM SETBACK REQUIREMENTS			MAXIMUM LOT COVERAGE	MINIMUM FLOOR AREA		
	Area (sq. ft.)	Lot Width	Stories	Height	Front Least One	Side Total Two	Rear	(in percent)	One Story	Two Story	
AG Agriculture	43,560	150'	2 ½	35'	40 a.	15d	30d	30	35	1,200	
R-1 Single Family Res.	15,000	100'	2 ½	35'	30 a.	10d	20d	25	35	1,300	750
R-2 Single Family Res.	10,500	80'	2 ½	35'	30 a.	8d	18d	25	35	960	750
R-3 Single Family Res.	8,700	66'	2 ½	35'	30 a.	6d	15d	25	35	760	600
RT Two Family Residential	8,700	80'	2 ½	35'	30 a.	6d	15d	25	35	760	600
Single Family Duplex	10,000	80'	2 ½	35'	30 a.	6d	15d	25	35	1,200	600
RM Multiple Family Residential	e	e	e	e	e.a.b	e.f.g	e.f.g	e	e	e	
RMH Residential Mobile Home	10 Acres	--	2 ½	35'	--	--	--	--	--	--	--
B-1 Local Business		--	2 ½	35'	--	h.i.	--	i.j.	--	--	--
B-2 General Business	--	--	3	40'	--	h.i.	--	i.j.	--	--	k.
CBD Central Business	--	--	2 ½	35'	l.	j.l.	l.	l.	--	--	--
P Parking	--	--	--	--	--	j.	--	--	--	--	--
RO Restricted Office	--	--	2 ½	35'	--	--	--	--	--	--	--
I-1 Light Industrial	20,000	100'	3	50	50	30	60	30	50	--	--
I-2 General Industrial	20,000	100'	3	50	50	30	60	30	50	--	--

*Both Single and Two Family dwellings shall have a minimum width of twenty-four (24) feet throughout its entire length measured between the exterior part of the walls having the greatest length.

ARTICLE XVII

17.1 FOOTNOTES TO SCHEDULE OF REGULATIONS

a) In all residential districts, the required front yard shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials, or vehicle access drives.

b) The minimum floor area per dwelling unit shall not include areas of basements, breezeways, unenclosed porches, terraces, attached garages, attached sheds, or utility rooms.

c) In the AG, R-1, R-2, R-3 and R-T Districts, the width of side yards, which abut upon a street on the same side or on the opposite side of the same block, upon which other residential lots front, shall not be less than the required front yard of said homes which front upon said side street.

d) Site Requirements – Two family dwelling permitted in the RM District shall observe the same area, height, bulk and placement requirements of the R-T District.

	<u>Garden Apartments</u>	<u>Townhouses</u>	<u>Housing for the Elderly</u>
Gross Site Area	1 acre (Min.) .3 x Develop- able Area	2 Acres (Min.) .25 x Develop- able Area	2 Acres (Min.) .4 x Develop- able Area
Maximum Lot Coverage	.25 x Development	.25 x Development	.25 x Development
Maximum Height (B)	2 ½ Stories 35 ft.	2 ½ Stories 35 ft.	4 Stories of 60 ft.
Minimum Parking	2 Spaces Per Unit of 1-24 Units. 1.75 Spaces Per Unit of 24+ Units	2 Spaces Per Unit	.75 Spaces Per Unit
Minimum Landscaped Area	.2 x Gross Site Site Area	.25 x Gross Site Area	.3 x Gross Site Area

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Maximum Density	14 Units Per Acre	8 Units Per Acre	25 Units Per Acre
Minimum Front Yard (A)	25 ft.	25 ft	25 ft.
Minimum Side Yard (B,C,D,)	20 ft., 40 ft. (total two)	20 ft., 40 ft. (total two)	25 ft., 50 ft. (total two)
Minimum Rear Yard (B)	30 ft.	30 ft.	40 ft.
Minimum Floor Per unit			
Efficiency	500 sq. ft.	600 sq. ft.	500 sq. ft.
One Bedroom	650 sq. ft.	750 sq. ft.	600 sq. ft.
Two Bedroom	800 sq. ft.	900 sq. ft.	750 sp. ft.
Three Bedroom	950 sq. ft.	1200 sq. ft.	-----
Four Bedroom	1200 sq. ft.	1500 sq. ft.	-----

e) For every lot on which a multiple row or terrace dwelling is erected, there shall be provided a side yard on each side of the lot, as indicated in the Schedule. Each side yard shall be increased beyond the yard spaces indicated by one (1) foot for each ten (10) feet or part thereof by which the length of the multiple row, or terrace dwelling exceeds forty (40) feet in overall dimension along the adjoining lot line.

f) Where two (2) or more multiple row or terrace dwellings are erected upon the same lot, a minimum yard space of twenty (20) feet in width shall be provided between structures. This yard width shall be increased by two (2) feet for each ten (10) feet or part thereof, by which each multiple row or terrace dwelling, having common yards, exceeds forty (40) feet in length on that side of the dwelling facing the common yard.

g) Where any B-1, B-2 or CBD District borders on a side street, whereon a residential zoning district exists in the same block, there shall be provided a setback of five (5) feet for all commercial buildings and parking and loading areas.

h) Where B-1, B-2, CBD District borders a residentially zoned district and the districts are not separated by an alley or street, there shall be a minimum building setback of ten (10) feet from the property line.

Loading space shall be provided for the rear yard in the ratio of at least ten (10) square feet per front foot of the building. Where an alley or street exists or is provided at the rear of buildings,

the rear building setback and loading requirements may be computed from the center of said alley or street. The Zoning Board of Appeals may waive this requirement in cases where this section causes undue hardship.

j) Where motels or hotels are permitted in a B-2 District, a minimum of two hundred and fifty (250) square feet of floor area per unit shall be provided.

k) Land uses within the CBD Central Business District Zoning District shall be exempt from providing off-street parking.

ARTICLE XVIII

SITE DESIGN STANDARDS

18.0. SITE DESIGN STANDARDS

The following are specific regulations and design standards for uses listed in said article, and shall be the minimum governing requirements for the protection of the public health, safety, and general welfare of the community.

18.1. PLANNED DEVELOPMENTS

18.1.1. Intent and Purpose

Planned developments are provided, herein by special use permit in order to allow for some degree of flexibility and innovation in the design of developing areas, as well as to allow for an efficient and aesthetic use of land. Based upon the standards and criteria contained in Section 18.1, the Planning Commission may review and recommend with conditions, a modification in bulk requirements in order to allow certain forms of development containing both privately owned sites and common property, and which are planned collectively as a single unit.

The planned development section of this Ordinance is also provided in order that the growing demand for housing by young married couples, senior citizens and existing residents may be met by a greater variety of innovative housing types, and by the planning design of structures with the benefit of cost effective land utilization in such development.

18.1.2. Clustered Residential Development (Subdivision)

In any AG, R-1, R-2, R-3 and R-T district in which single-family detached dwellings are a use permitted by right, the minimum required lot areas for such use, as set forth in the Schedule of Regulations, may be reduced by an amount not to exceed twenty-five (25) percent; provided that a quantity of land at least equivalent to the total amount deducted from all lots shall be dedicated for open space so that the overall gross density for the entire area shall not exceed that permitted in the applicable zoning district.

A. Site Eligibility: The minimum area necessary to qualify as a cluster development shall not be less than two (2) contiguous acres of land.

- B. Any subdivision plan wherein the Clustered Residential Development concept is proposed shall be subject to the provisions for special use permit approval and must be in accordance with all of the procedures and provisions set forth in the subdivision regulations of the Village of Lawton.

18.1.3. Planned Unit Development

A residential or industrial planned unit development (PUD) shall be developed through the special use permit procedure. The granting of a special use permit for a PUD is permitted in all zoning districts.

- A. **Site Eligibility:** The minimum area necessary to qualify as a PUD shall not be less than two (2) continuous acres of land. However, an owner of land less than the minimum required area may apply if the subject land is adjacent to a lawfully approved of constructed PUD having uses similar to the one proposed.
- B. As a planned single unit, PUD's may be constructed in any combination of uses and structures (except mobile homes and principal commercial uses), provided that:
 - 1. At least twenty-five (25%) percent of the total area is reserved for one space and natural drainage. This area may consist of land included as part of the required yard setbacks, roads, greenbelt areas, drainage easements, open space or any recreational amenity; but shall not include any areas used or structures, or off-street parking and loading.
 - 2. Full compliance with the provisions of this Ordinance and the tables/schedules contained here shall be met, unless waived by the Village Council.
- C. **Density and Open Space Requirements for PUD's with Residential Uses.**
 - 1. In addition to part B above, if a proposed PUD is residential, wholly or in part, that part of the PUD may not exceed a net residential density of one point five (1.5) times the maximum number of units allowed per acre under conventional single family lot sizes as shown in the Schedule of Regulations for that part of the total area. The number of dwelling units shall be

rounded to the nearest whole number.

2. This density is granted, provided that at least twenty-five (25) percent of the total area devoted to residential PUD development is reserved for open space and natural drainage. This area may consist of land included as part of the required yard setback, roads, greenbelt areas, drainage easements, open space or any outdoor recreational amenity; but shall not include any area used for structures, or off-street parking and loading.

- D. Residential Density Bonuses: Bonuses in net residential density or that area devoted to residential PUD development are permitted by the Planning Commission, provided that additional land is reserved and dedicated for open space as follows:

<u>If</u>	<u>Then the density multiplier for determining the maximum number of units allowed per acre shall be-</u>
25% of total area devoted to residences is reserved for open space,	1.50 x conventional family density
30% of total area devoted to residences is reserved for open space,	2.00
35% of total area devoted to residences is reserved for open space,	2.50
40% of total area devoted to residences is reserved for open space,	3.00
45% of total area devoted to residences is reserved for open space.	3.50

18.1.4. Pre-application Conference with Planning Commission for Concept Review

Prior to formal application submission for a special use permit for a proposed planned development, the developer/applicant shall be required to make a presentation to the Planning Commission in order to discuss initial design concepts and the application of said concepts to the land in

question.

18.1.5. Standards and Considerations

In addition to complying with the standards for special use permits, the following special standards for a Clustered Residential Development of a PUD must be met:

- A. **Ownership:** The tract of land may be owned, leased or controlled by a single person, partnership, corporation, cooperative association, or association of individual owners (condominium). An application may be filed by the owner, jointly by the owners of all property to be included, or by a person, persons, corporation, or corporation with an option to buy said property. A plan once approved, shall be binding.
- B. **Utilities:** A clustered Residential Development and a PUD shall have on-site community water and sewer provided by the developer, and must be approved by all legal state, county and local agencies (health, conservation, etc.) who are in authority and have jurisdiction. All utilities shall be placed underground.
- C. **Permitted Residential Housing Types and Uses:** The following are considered eligible for inclusion in an application:

Principal PUD Uses and Structures

Residential PUD's

- Single family detached homes (excluding mobile homes)
- Two family homes
- Single family attached homes
- Multiple family structure (apartments)
- Industrial and office uses – if application is for industrial PUD
- Day Care Centers
- Limited commercial

Accessory Uses and Amenities

- Open Space – Passive and active
- Indoor and outdoor recreational facilities
- Carports
- Community building and meeting hall

- On-premise laundry facilities
- Small scale “neighborhood retail” to serve residential PUD’s only. Does not apply to mixed PUD’s nor Nonresidential PUD’s.

D. Site Design Standards: Unless modified by the Planning Commission in writing at the time of application approval, compliance with the following design standards is required to be shown on the site plan:

1. Minimum yard requirements and building setbacks from all exterior property lines shall be thirty (3) feet.
2. Maximum building height three stories or thirty (3) feet (excludes antennas, steeples, spires, etc.)
3. Minimum spacing between detached buildings shall not be less than the height of the higher building as measured from the lowest first floor elevation.
4. All sensitive natural features such as stream, wetlands, lands within the one-hundred (100) year flood plains, land on slopes of twelve (12) percent or greater, and stream or river banks, (which by virtue of soil and slope may create highly erodible hazards to the public health and safety) shall remain unencumbered by residential buildings and structures.
5. Ingress and egress opening from the development onto a public and private road shall be limited to one per five-hundred (500) feet.
6. Planted and maintained landscaped buffer areas of ten (10) feet in width are required along all exterior boundaries of the property to be developed.
7. Drainage ways and streams shall be protected by a public easement measured twenty-five (25) feet from the centerline of such triangulates or streams.
8. Off-street parking is required at the rate of two (2) parking spaces per dwelling unit.

H. Facility Site Standards: The site standards for all individual uses and

facilities as provided in this Ordinance, must be observed unless waived by the Planning Commission for any (or all) of the specific uses and facilities.

- I. Common Property which is Privately Owned: Common property is a parcel or parcels of land, a privately owned road, or roads, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites. When common property exists, the ownership of such common property shall be private. When privately owned, arrangements must be made for the improvement, operations, and maintenance of such common property and facilities, including private streets, drives, service parking and recreational areas. This shall not be waived.
- J. Public Easement on Common Property which is Privately Owned: When common property exists in private ownership, the owners shall grant easements, over, under and through such property to the Village as may be required for public purposes.
- K. After approval of a planned development, a site plan may be revised upon approval by the Village Council.

18.1.6. Appeals

Any and all administrative interpretations, decisions, any requirements of the planned development provisions of Section 18.1 may be appealed within thirty (30) days to the Zoning Board of Appeals.

18.1.7. Public Hearing

A public hearing by the Village Council is required for all planned developments.

18.2.1 RESERVED FOR FUTURE USE

18.3 HOME OCCUPATIONS

Home occupations shall be controlled as follows:

- 18.3.1. None other than members of the family, shall be engaged in connection with such home occupation at the same time.

- 18.3.2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
- 18.3.3. There shall be no change in the outside appearance of the building, no variation from the residential character of the dwelling, and no visible evidence of the conduct of such home occupation, except that one (1) non-illuminated sign not exceeding six (6) sq. ft. may be permitted.
- 18.3.4. No home occupation shall be conducted in any accessory building.
- 18.3.5. There shall be no sale of products of services except those customarily incidental to the home occupation.
- 18.3.6. The home occupation will not create traffic congestions, parking shortages; or otherwise adversely effect the pedestrian of vehicular circulation of the area.
- 18.3.7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the premises if the occupation is conducted in a single-family dwelling. If conducted in other than a single-family dwelling, such nuisance shall not be detectable outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual of audible interference in any radio or television receivers off the premises or cause fluctuations in the line voltage off the premises.
- 18.3.8. In particular, a home occupation includes, but is not limited to: beauty shop, art studio, dressmaking, teach with musical or dancing instruction limited to six pupils at a time; author, artist, musician, accountant (one), or similar use; but shall not include animal hospital, automotive repair service, barbershop, restaurants, tearoom, tavern, or similar use.
- 18.3.9. A certificate of occupancy which shall specify the home occupation as to use and size is required.

18.4. DESIGN STANDARDS AND CONDITIONS FOR CERTAIN NEW USES

- 18.4.1. The following site facility and design standards with respect to certain new uses, herein specified, shall control:

A. Hotel, Motel, Motor Court:

1. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets. No more than two (2) driveway openings from a major thoroughfare shall be permitted.
2. Where the front yard is used to provide access, a five (5) foot wide greenbelt shall be provided within the front yard, except for driveway openings.
3. Each unity of commercial occupancy shall contain a minimum of two hundred and fifty (250) square feet of gross floor area.

B. Drive-In Restaurant:

1. Public access to the principal business shall be located so as not to conflict with access to adjacent uses or not adversely affect traffic flow on adjacent streets. No more than two (2) driveway openings from a major thoroughfare shall be permitted.
2. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting right-of-way lines to the edge of said drive.
3. Parking may be located in the front, but not within the required front yard.

C. Child Care Centers, Nursery School, Day Nurseries:

1. No dormitory facilities permitted on premises.
2. For each child cared for, there shall be provided, equipped and maintained on the premises, a minimum of one hundred and fifty (150) square feet of usable outdoor play area with a minimum total area of one thousand (1,000) square feet per facility.
3. The outdoor play area shall be fenced in or screened by a heavily planted greenbelt from any abutting residential uses

- D. Bowling Alley, Indoor Skating and Similar Uses:
1. Driveway openings to the site shall be located at least seventy-five (75) feet from any intersection as measured from the intersecting street right-of-way lines to the edge of said driveway.
 2. The main accessory buildings shall be located a minimum of one hundred (100) feet from any residential use.
- E. Private Open Air Business (Permanent and Temporary.) (Temporary sales of Christmas trees shall be exempted.)
1. Minimum lot area shall be one (1) acre.
 2. Minimum lot width shall be two hundred (200) feet.
 3. A five (5) foot fence or wall shall be constructed along the rear and sides of the lot capable of keeping trash, paper, and other debris from blowing off the premises, except as provided otherwise in this Ordinance.
 4. All open air businesses shall comply with all applicable Health Department regulations regarding sanitation and general health conditions.
 5. Unless specifically waived by the approval body of as designated by this Ordinance, a building of not less than five hundred (500) square feet of gross floor area shall be constructed on the premises for office use in connection with the subject open air business.
 6. The Planning Commission may, to insure strict compliance with any regulation contained herein and required as a condition of the issuance of a permit for an open air business use, require the permittee to furnish a Surety Bond executed by a reputable surety company authorized as to do business in the State of Michigan, in the sole discretion of the Planning Commission, a cash bond in the amount determined by the Commission to be reasonable and necessary to insure compliance hereunder. In fixing the amount of such bond, the Planning commission shall take into account the size and scope of the proposed open air business use, current

prevailing cost of rehabilitating the premises upon default of the operator of the use, estimated expenses to compel the operator to comply by Court Decree, and such other factors and conditions, as might be relevant in determining the sum reasonable in the light of all facts and circumstances surrounding each application.

7. In the case of indoor-outdoor garden nurseries:
 - a. The storage or material display areas shall meet all the yard setback requirements applicable to any building in the District.
 - b. All loading activity and parking areas shall be provided on the same premises (off-street).
 - c. The storage of any soil, fertilizer, or similar loosely packaged material shall be sufficiently contained to prevent any adverse effect upon adjacent properties.

F. Car Wash Establishment

1. Minimum lot size shall be twenty thousand (20,000) square feet.
2. All washing activities must be carried on within a building.
3. Vacuuming activities may be carried out at least fifty (50) feet distant from any adjoining residential use.
4. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. An alley shall not be used as maneuvering or parking space for vehicles being serviced by the subject facility.
5. All floor drains from wash areas shall be equipped with sand traps before disposal into the sanitary sewer.

G. Automobile Disposal and Junkyards

For this use, the following more restrictive provisions shall take precedent above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in

accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.

1. The site shall be a minimum of three (3) acres in size.
2. There shall be a required yard setback of at least one hundred (100) feet from any public street and any lot line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.
3. A solid fence or wall at least eight (8) feet in height shall be provided along the setback lines of the entire site in order to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, or otherwise finished neatly and inconspicuously.
4. All activities shall be confined within the fenced-in area. There shall be no stocking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment, material, signs, or lighting shall be used or stored outside the fenced-in area.
5. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting compressing or packaging shall be conducted within a completely enclosed building.
6. Wherever a side or rear lot line of such use abuts residential use or a residential zoning district, the required yard shall be doubled and shall contain plant material, grass and structural screen to effectively minimize the appearance of the installation.

H. Private Roads and Streets

1. All plats and lots not fronting on a public street must be accessible by a private drive. A private drive or street is required to have a minimum driveway right-of-way of sixty-six (66) feet and must be either owned or established by a driveway easement granted by the adjacent property owners.

2. The layout of private streets in respect to their location, intersections, cul-de-sacs, etc., shall conform to the Village's requirements for platted streets.
3. The construction of the roadway shall conform to the Village's standards for a local road.
4. Vertical street alignments, street grades, horizontal curves, curb openings at street intersections etc., shall conform to the Village standards for platted streets.

I. Commercial, Radio, Television, and Windmill Tower

1. In Non-Residential districts, the minimum lot size shall be three (3) acres.
2. The lots shall be so located that at least one property line abuts a major thoroughfare of not less than one hundred and twenty (120) feet of right-of-way and the ingress and egress shall be directly upon said thoroughfare.
3. The setbacks for each tower from adjacent rights-of-way and/or property lines shall be not less than one-half (1/2) times the height of each tower above the ground.
4. Unless specifically waived by the Planning Commission, an open air fence between four (4) and six (6) feet in height shall be constructed on the boundary property lines.

J. Medical or Dental Clinic

1. Minimum lot size shall be twenty thousand (20,000) square feet.
2. Maximum building coverage shall be thirty-five (35) percent.

K. Office Developments (Two or More Structures)

Site plan approval is required by the Planning Commission. In order to facilitate innovative and attractive design of office uses, office developments shall be subject to the following:

1. Exterior walls of opposite or adjacent buildings shall be located

no closer than one point five (1.5) times the height of the higher building wall, but in no case closer than fifty (50) feet.

2. Buildings shall be so located and arranged so that all structures have access to emergency vehicles.
3. Maximum lot coverage upon lot shall not exceed sixty (60) percent, including accessory uses and structures.
4. The ratio of total floor area to lot area shall not exceed on point zero (1.0).

L. Planned Industrial Parks

In order to facilitate the growth of employment, to ensure a viable tax base for the Village and to prevent the conflicts of incompatible industrial uses, planned industrial parks are permitted with site plan approval by the Planning Commission in the I-1 district.

An industrial park is hereby defined as a tract of land laid out in accordance with an overall plan which is designed and equipped to accommodate a cluster of whole sale commercial and industrial activities; providing them with all necessary facilities and services in an attractive, park-like surrounding.

Planned Industrial Parks shall be subject to the following:

1. In addition to a required site plan, all proposed planned industrial parks (public and private) shall first have an overall plan detailing the development concept, the spatial arrangement of site and structures and phased implementation and developments, thereof.
2. Exterior walls of adjacent buildings shall be located no closer than one point five (1.5) times the height of the higher building wall, but in no case closer than fifty (50) feet.
3. The floor area of any one building shall not exceed forty-five thousand (45,000) square feet, on one floor.
4. Maximum lot coverage shall not exceed fifty (50) percent, including accessory buildings and structures.

5. The ratio of total floor area to lot area shall not exceed on point zero (1.0)

M. Outdoor Trash Containers or Dumpsters

Outdoor trash containers or dumpsters may be required in the RM, B-1, CBD, I-1, I-2, OS-1 and CBD Zoning districts when in the judgment of the Village Council and with the recommendations of the Planning Commission, the provision of such will address a health, safety or aesthetic concern. When required, the outdoor trash containers or dumpsters shall meet the following standards.

1. Adequate vehicular access shall be provided to such containers for truck pickup either via a public alley or vehicular access aisle which does not conflict with the use of off-street parking areas or entrances to or exits from principal buildings. The placement of the container shall be subject to site plan review.
2. A solid ornamental screening wall or fence shall be provided around all sides of such containers. An access gate shall also be provided and be of such height as to completely screen said containers. The maximum height of walls, fence or gate shall be six (6) feet.
3. The container or containers, the screening walls, fence and gate shall be maintained in a neat and orderly manner, free from loose rubbish, waste paper and other debris.

N. Bed and Breakfast Facilities

1. The minimum lot size shall be ten-thousand (10,000) sq. ft. with a minimum frontage of sixty-six (66) feet on a public street.
2. A residence shall not have or be converted to more rental rooms than the number of bedrooms which exist at the time of enactment of this amendment.
3. The minimum size of rental room shall be one-hundred twenty-five (125) sq. ft.
4. The minimum size for manager/owner living quarters shall be four-hundred fifty (450) sq. ft.

5. A common room or area for guest relaxation is required.
6. One (1) off-street parking space shall be provided for each rental room in addition to the two off-street spaces required for single family dwellings. Parking shall be adequately screened from adjacent residentially developed or zoned property.
7. Bathrooms must be furnished for guestrooms at a ratio of not less than one bathroom per two rental rooms.
8. The premises (including corner lots) may be permitted one advertising sign not exceeding six (6) sq. ft. in area.
9. Approval of the Van Buren County Health Department is required if other than a continental breakfast is served.
10. The maximum stay at a bed and breakfast facility shall be thirty (30) continuous days.
11. A site plan shall be submitted in accordance with Section 4.6
12. The use of the facility shall not, in the judgment of the Village Planning Commission and the Village Council, be detrimental to adjacent land uses and the immediate neighborhood.

O. Private Clubs and Lodges

1. The lot shall be located so as to abut a collector street, secondary thoroughfare, or major thoroughfare with at least one (1) property line.
2. Retail Sales of food and beverages may be permitted to members and guests only and there shall be no externally visible sign of commercial activity.

P. Kennels

1. All kennels shall be operated in conformance with all applicable Van Buren County and State regulations, permits being valid no longer than one (1) year.
2. For dog kennels, the minimum lot size shall be two (2) acres for

the first three (3) dogs and an additional one (1) acre for each three (3) additional animals.

Q. Gasoline Service Stations and Filling Stations

1. Minimum lot area shall be twelve thousand (12,000) sq. ft. for an automobile service station and ten thousand (10,000) sq. ft. for a filling station.
2. Minimum lot width shall be one hundred (100) feet for a public garage or automobile service station and eighty (80) feet for a filling station.
3. An automobile service station and filling station shall be located not less than forty (40) feet from any right-of-way line and not less than twenty-five (25) feet from any side or rear lot line abutting residentially used property.
4. Ingress and egress drives shall not be more than thirty (30) feet.
5. No more than one (1) curb opening shall be permitted for every fifty (50) feet of frontage (or major fraction thereof) along any street.
6. No drive or curb opening shall be located nearer than twenty-five (25) feet to any intersection of adjacent residential property line. No drive shall be located nearer than thirty (30) feet, as measured along the property line, to any other drive on the premises. Curb cuts shall not be permitted where it may produce a safety hazard to adjacent pedestrian or vehicular traffic.
7. A raised curb of six (6) inches in height shall be constructed along all street frontages at the right-of-way line, except for drive openings.
8. The entire lot, excluding the area occupied by a building, shall be hard surfaced with concrete or a plant-mixed bituminous material except desirable landscaped areas which shall be separated from all paved areas by a low barrier or curb.
9. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a

building. all gasoline pumps shall be located not less than fifteen (15) feet from any lot line, and shall be arranged so that motor vehicles shall not be supplied with gasoline or serviced while parked upon or overhanging any public sidewalk, street or right-of-way.

10. When adjoining residentially used or zoned property, a five (5) foot masonry wall shall be erected and maintained along the connect interior lot line, or if separated by an alley, then along the alley lot line. All masonry walls shall be protected by a fixed curb or similar barrier to prevent contact by vehicles. Such walls may be eliminated or gradually stepped down in height within twenty-five (25) feet of any right-of-way line, subject to approval by the Village Council.
11. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a five (5) foot masonry wall and shall comply with requirements for location of accessory buildings. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles for an overnight period shall not exceed more than two (2) vehicles awaiting repairs for each indoor repair stall located within said premises and in no event shall the outdoor storage or parking of any such vehicle be permitted for a period exceeding five (5) days.
12. The sale or rental of new or used cars, trucks, trailers, and any other vehicles on the premises shall be permitted only by approval of the Village council under such terms and conditions as may be imposed by said council to insure adequate ingress and egress from said property and to insure adequate traffic safety.
13. All exterior lighting, including signs, shall be erected and hooded so as to shield the glare of such lights from view by adjacent properties.

R. Churches

1. Minimum lot width shall be one hundred and fifty (150) feet.
2. Minimum lot area shall be two (2) acres.
3. For every foot of height by which the building, exclusive of spire,

exceeds the maximum height limitation for the district, an additional one (1) foot of front, side or rear yard setback shall be provided.

4. The lot location shall be such that at least one property line abuts a collector street, secondary thoroughfare, or major thoroughfare. All ingress to the lot shall be directly onto said thoroughfare.
5. Off-street parking shall be prohibited within the required front yard setback area.

S. Convalescent Homes

1. Minimum lot size shall be three (3) acres.
2. The lot location shall be such that at least one (1) property line abuts a collector street, secondary thoroughfare or major thoroughfare. The ingress and egress from off-street parking areas for guests and patients shall be directly from said thoroughfare.
3. The main and accessory building shall be set back at least seventy-five (75) feet from all property lines.
4. The facility shall be designed to provide a minimum of fifteen hundred (1,500) square feet of open space for every bed used or intended to be used. This open space shall include landscaping and may include off-street parking areas, driveways, required yard setbacks and accessory uses.

T. Accessory Dwelling Units subject to the following conditions:

1. Only one (1) accessory dwelling unit shall be permitted per parcel.
2. Properties with more than one dwelling on the property shall not have an accessory dwelling unit.
3. The floor area of the accessory dwelling unit shall not be larger than seven hundred (700) square feet.
4. Windows of the second unit shall not face the window of a

neighboring unit if the home is closer than twenty (20) feet. Two story units (e.g. carriage houses) shall have obscure glass on the side or rear windows if the second unit is closer than ten (10) feet to the side property line or twenty (20) feet from the rear property line.

5. The lease of an accessory dwelling unit shall be for a minimum of nine (9) months.
6. A conforming off street parking space is required for the accessory dwelling unit.
7. An accessory dwelling unit cannot be offered for sale apart from the principal unit.
8. The design and appearance of the second unit shall be complimentary to the primary dwelling.
9. An accessory dwelling unit may be attached to the principal unit provided it has a second entrance.

ARTICLE XIX

ADMINISTRATIVE AND ENFORCEMENT

19.0. ADMINISTRATION AND ENFORCEMENT

This Ordinance shall be enforced by the Building Inspector or a person designated by the Village Council to enforce said Ordinance, who shall, in no case except under a written order of the Village Council or Zoning Board of Appeals, issue any permit for the erection or structural alteration or use thereof would be in violation of any of the provisions of the Ordinance. The Building Inspector or the designated representative shall investigate any alleged violation of the Zoning Ordinance coming to his/her attention, whether by complaint or arising from his or her own personal knowledge, and if the violation is found to exist, s/he shall serve notice upon the owner, and notify the Village Council and prosecute a complaint to terminate said violation before the appropriate magistrate. The Building Inspector shall make an inspection of all new construction from time to time to ascertain that the dimensions and conditions stated on the application are complied with. S/he shall also make periodic inspections throughout the Village to ascertain that the requirements of this Ordinance are complied with.

It shall be the further duty of the Building Inspector or the designated representative to keep all records of all inspections and applications for building permits and of all such permits issued, with notation of all special conditions involved. S/he shall file and safely keep copies of all plans other than for one-family houses and fees submitted with such application, and the same shall form a part of the records of his office and shall be available to the Village Council and all other officials of the Village.

19.1. CERTIFICATE OF OCCUPANCY

No land shall be occupied for use and no building hereafter erected or altered, shall be occupied or used in whole or in part for any purpose whatsoever until a certificate of occupancy shall have been issued by the Building Inspector or the designated representative stating that the premises or building complies with all the provisions of the approved plans and all ordinances of the Village. Such certificate of occupancy shall be granted or denied within ten (10) days from the date written application therefore has been received by the Building Inspector. Where any special use conditions are applicable said conditions shall be stated on the certificate of occupancy.

A record of all certificates of occupancy shall be kept on file in the office of the Building Inspector and copies shall be furnished upon request to any person having a proprietary or leasehold interest in the building or and affected.

19.2. VIOLATION AND PENALTY

Any owner or agent, and any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof or who shall erect, structurally alter, enlarge, rebuild or move any building or buildings or any structure or who shall put into use any lot or land in violation of any detailed statement of plan submitted hereunder, or who shall refuse reasonable opportunity to inspect any premises, shall be subject to a municipal civil infraction as defined in Section 10.2 of Village Code of Ordinances.

The owner of any building or structure, lot or land or part thereof, where anything in violation of this Ordinance shall be placed or shall be placed or shall exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who knowingly assists in the commission of such violation shall each be guilty of a separate violation and subject to a civil infraction.

ARTICLE XX

ZONING BOARD OF APPEALS

20.0 GENERAL GRANT OF POWER

The Zoning Board of Appeals shall perform all of the duties and have all of the powers prescribed by the Michigan Zoning Enabling Act, PA 110 of 2006. It shall adopt such rules of procedure according to said Act.

20.1 CREATION AND MEMBERSHIP

A Zoning Board of Appeals is hereby established in accordance with PA 110 of 2006. The Village Council may act as the Board of Zoning Appeals on questions arising under this Ordinance. In the alternative, if the Village Council desires, it may appoint a Zoning Board of Appeals consisting of not less than three (3) members each appointed for a three (3) year term.

20.2 EMPLOYEES

The Board may employ such clerical or other assistance as may be necessary, provided that it shall not at any time incur any expenses beyond the amount of the appropriation made available for that purpose.

20.3 APPEALS

Appeals to the Zoning Board of Appeals in any matter over which it has jurisdiction may be taken by any party aggrieved by the decision or order appealed from, or by an officer department, board or agency of the Village affected by such decision or order. A notice of appeal, specifying the grounds of the appeal, shall be filed with the Village Clerk within thirty (30) days after the date of the action which is being appealed. An appeal shall stay all proceedings in furtherance of the action in respect to which the decision or order appealed from was made, unless the officer from whom the appeal is taken certifies to the Board that a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Zoning Board of Appeals or by the circuit court upon notice to the officer from whom the appeal is taken and on due cause shown.

20.4 VARIANCES

Subject to the provisions of this Ordinance and in addition to other duties and powers specified herein, the Zoning Board of Appeals, after holding a public hearing, shall have the power to decide applications for variances to provisions of this Ordinance.

20.4.1 Where it is alleged by the appellant that there is an error or misinterpretation in any order, decision, requirement or refusal made by the person responsible for administering this Ordinance; or

20.4.2 Where by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property in the effective date of this Ordinance, or by exceptional topographic conditions, or by another extraordinary situation or condition of land, building, or structure, or the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulties or would cause undue hardship; or

20.4.3 Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Ordinance relating to construction, structural changes to buildings and structures, shall be observed, public safety secured, and substantial justice done.

20.5 INTERPRETATION OF ZONING BOUNDARIES AND INTENT

The Zoning Board of Appeals shall have the authority to interpret zoning matters that are not explicitly covered in the Ordinance. This includes such matters as the demarcation of a zoning boundary when the matter is in dispute, the appropriate zoning district of a use that is not listed in the zoning ordinance, and other matters that require interpretation. Requests for interpretation may be made by the Planning Commission, the Village Council, as well as other interested parties. The request must be made in writing detailing the nature of the request. The Zoning Board of Appeals shall act within sixty (60) days of having received the request. In making interpretations, the Board may enlist the assistance of experts, technicians, and consultants.

20.6 LAND USE VARIANCE

No land use variances are permitted.

20.7 PUBLIC HEARINGS

Upon filing if any appeal or other application in any matter over which the Board of Appeals has jurisdiction, the Zoning Board of Appeals shall hold a public hearing on the appeal or application at its next regularly scheduled meeting in accordance with Section 21.02.

20.8 DECISIONS

The Board shall render its decision upon an appeal or application within sixty (60) days after the date of filing of the appeal or application. Failure to act shall be considered a denial of the appeal.

20.9 FEES

Upon the filing of any appeal or application to the Zoning Board of Appeals by any person, other than an officer, department, board, or agency of the Village, the appellant or applicant shall pay the appropriate fees to defray the cost of publishing the notice of

appeal or application, the Board's decision and the recording of the matter.

20.10 VOTE NECESSARY FOR DECISION

The concurring vote of two-thirds (2/3) of the membership of the Zoning Board of Appeals to reverse any order or requirement or decision of any administrative official or board or to decide in favor of the applicant on any matter they are required to pass. Decisions by the Board are final and not subject to appeal to any legislative or advisory body in the Village.

20.11 MINUTES AND RECORDS

The secretary shall keep minutes of the Board's proceedings showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. The secretary shall keep records of the Board's examinations and official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

ARTICLE XXI

AMENDMENTS

21.0 PROCEDURE

The Village Council from time to time amend, supplement or repeal the regulations and provisions of this Ordinance in a manner proscribed by the Michigan Zoning Enabling Act, PA 110 of 2006 as amended and in accordance with the following procedural outline:

- 21.0.1 A proposed amendment, supplement, or repeal may be originated by the Village Council, the Village Planning Commission, or by petition from the general public. All proposals not originating with the Planning Commission shall be referred to the Planning Commission for a report and recommendation is to be taken by the Village Council.
- 21.0.2 The Planning Commission shall study the proposed amendment and hold a public hearing by publishing a notice of the hearing in a newspaper of general circulation not less than fifteen (15) days before the date of the hearing. Notice shall also be given to the owners of the property that is subject to the request and to all persons to whom real property is assessed within three hundred (300) feet of the subject property and to all occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure(s) is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice on the primary entrance to the structure. Said notice is considered given when personally delivered or when deposited during normal business hours for delivery with the USPS and given not less than fifteen (15) days before the date the request will be considered.
- 21.0.3 When the Village Council receives a recommendation from the Planning Commission on a proposed amendment that has been given a public hearing, the Village Council may hold a public hearing in accordance with Section 21.0.2.

21.1 PROTESTS

An amendment to a zoning ordinance is subject to a protest petition. If a protest petition is filed, approval of the amendment shall require a $\frac{3}{4}$ vote of the Village Council. The protest petition shall be presented to the Village Council before final legislative action on the amendment shall be signed by one or more of the following:

21.1.1 The owners of at least twenty percent (20%) of the land area included in the proposed change.

21.1.2 The owners of at least twenty percent (20%) of the land area included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.

Publicly owned land shall be excluded in calculating the twenty percent (20%) land area requirement.

21.2 FEES

Fees for amendments to this Ordinance shall be in accordance with the current fee schedule established by the Village Council.

ARTICLE XXII

MISCELLANEOUS

22.0. SEVERABILITY OF PROVISIONS

In case any section or provision of this Ordinance shall be held invalid in any court, the same shall not affect any other article, section or provision of the Ordinance, except so far as the article, section or portion so declared invalid shall be inseparable from the remainder or any portion thereof.

22.1. CONFLICTING ORDINANCE REPEALED – EFFECT

Any and all ordinances or parts thereof in conflict with or inconsistent with any of the terms of this Ordinance are hereby repealed to such extent as they are so in conflict or inconsistent; provided, however, that the adoption of this Ordinance shall not prevent or bar the continuance or institution of any proceedings for offenses heretofore committed in violation of any existing ordinance.

22.2. EFFECTIVE DATE

This Ordinance is hereby declared to have been adopted by the Village Council of the Village of Lawton, Van Buren County, Michigan, at a meeting thereof, duly called and held on the _____ day of _____, 20____, is ordered to be given publication in the same manner prescribed by law, and shall be given immediate effect.